

TWENTY-SECOND  
ANNUAL MEETING  
NATIONAL  
WHOLESALE DRUGGISTS  
ASSOCIATION

PHILADELPHIA, 1896



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Yours truly  
Mo B. Purcell

PROCEEDINGS

OF THE

**National  
Wholesale Druggists  
Association**

IN CONVENTION AT

PHILADELPHIA, PA.

October 5, 6, 7 and 8, 1896.

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T. E. CROSSMAN,  
OFFICIAL STENOGRAPHER.

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**PRESIDENTS**  
**OF THE**  
**Western Wholesale Druggists Association**  
**NAME CHANGED, NOV. 8, 1882, TO**  
**National Wholesale Druggists Association.**

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|                                |         |                       |
|--------------------------------|---------|-----------------------|
| March 15, 1876, Indianapolis,  | - - -   | JAMES RICHARDSON.     |
| February 14, 1877, Pittsburg,  | - - -   | JAMES RICHARDSON.     |
| February 13, 1878, Louisville, | - - - - | ARTHUR PETER.         |
| November 13, 1878, Chicago,    | - - - - | THOMAS LORD.          |
| November 13, 1879, Milwaukee,  | - - -   | HENRY H. BUTTON.      |
| November 10, 1880, Detroit,    | - -     | THEODORE H. HINCHMAN. |
| November 9, 1881, Cincinnati,  | - - -   | JAMES S. BURDSAL.     |
| November 8, 1882, Cleveland,   | - - - - | HORACE BENTON.        |

NAME CHANGED, NOV. 8, 1882,

...TO...

## National Wholesale Druggists Association

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### PRESIDENTS.-Continued.

October 17, 1883, New York City, - - WILLIAM A. GELLATLY.  
October 22, 1884, St. Louis, - - - CHRISTIAN F. G. MEYER.  
October 20, 1885, Philadelphia, - - - MAHLON N. KLINE.  
September 27, 1886, St. Paul-Minneapolis, DANIEL R. NOYES.  
August 23, 1887, Boston, - - - - E. WALDO CUTLER.  
September 11, 1888, Saratoga, - - - GEORGE A. KELLY.  
October 22, 1889, Indianapolis, - - - PETER VAN SCHAACK.  
October 2, 1890, Washington, D. C., - - DANIEL STEWART.  
October 21, 1891, Louisville, - - - - WM. A. ROBINSON.  
September 21, 1892, Montreal, - - - - JAMES E. DAVIS.  
October 11, 1893, Detroit, - - - - FRANK A. FAXON.  
October 1, 1894, New York City, - - - THOS. F. MAIN.  
September 4, 1895, Denver, - - - - - J. C. ELIEL.  
October 5, 1896, Philadelphia, - - - - JOHN B. PURCELL.

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TWENTY-SECOND ANNUAL MEETING  
OF THE  
National Wholesale Druggists Association.

AT  
PHILADELPHIA, PA.  
OCTOBER 5, 6, 7, 8, 1896.

FIRST SESSION.

*Monday, October 5, 1896*

President Eliel called the meeting to order at 8.50 o'clock, and said: Gentlemen of the Association, the time having arrived—I think it is past the time, but it has arrived by Philadelphia time—when, according to the articles of the constitution, it is my duty to call you to order. I therefore declare the twenty-second annual convention of the National Wholesale Druggists Association in order, and I will call upon Mr. M. N. Kline.

MR. KLINE—Mr. Chairman and Gentlemen: It is customary, as you are well aware, for any president of this Association, no matter from whence he hails, to call us to time, call us slow and all that sort of thing, and our president is actually under that impression, coming from Minneapolis, as he does, but

the gentleman who is here to extend a welcome to you in behalf of the city informs me that it is by city time only 8 o'clock.

This is a time when the citizens of Philadelphia expect every man to do his duty, and the duty of the Mayor, as interpreted by him at the moment, is to give his services to protect our citizens, as far as in his power lies, against the various "isms" which threaten us. So much is he engaged in this laudable work that he was unable to be with us to welcome the Association, but I am very happy to introduce to you Mr. Frank M. Riter, who is the Director of Public Safety, and who is here to extend a welcome on behalf of the City of Philadelphia to the members of this Association. (Applause.)

MR. RITER—Mr. President, Mr. Kline and Gentlemen: It is unfortunate for you that my distinguished chief is not present this evening to bid you welcome to our city. I apprehend that it is more than unfortunate that he should have sent me in his place. I know that he anticipated the pleasure of being here when he was first invited through Mr. Kline, but subsequent engagements, and what he regards as a paramount duty prevents him from being with you.

The City of Philadelphia is so well known throughout the entire world that I need not mention at this time anything of her importance and her position in the whole country as a director and a pattern for other cities of this Union. Your Association is one which deals, as I understand it, with the health of the community. As to the value of proprietary medicines to the community at large I am not personally familiar. I know, however, that we in Philadelphia have ocular demonstration of their value to some

•



of the proprietors. On the other hand, I conceive that after pure food, pure water, pure air, next in importance is pure drugs. No man who thinks for one instant, who is brought in contact with the great suffering of the world, or whose observation is confined to the narrower circle of his own domestic sphere, can but see the vast importance of pure drugs to the community at large, and that only pure drugs should be dispensed by every druggist. The suffering wife, or father, or child can only be relieved by the integrity of the druggist who shall fulfill in every respect the perscription given by the physician; and if I am right in supposing that one of the many objects of your Association is to secure for the community, through your great houses of trade, pure drugs, and if this is the case, you are to be welcomed as great benefactors of mankind.

I know that your business meetings will take much of your time, but in welcoming you to this city I wish to call your attention to some the great institutions which it will pay you to visit. In direct line with your great business operations we have our hospitals, which are unrivaled in the Union; we have our great educational institutions, with their attached departments of medicine; we have our great asylums, not in the objectionable sense of the term, but in that sense of great goodness to mankind which comes from the beneficence of Girard, in the institution which he founded, and in which, perhaps, there are gathered at least two thousand pupils (applause); pupils who are fed, clothed and instructed and sent out upon the world ready to battle with life. We have our great shipbuilding firms, which are the rivals of the world; such shipyards as enabled one of

the proprietors to send to Great Britain an offer to build the ships for the British navy. (Applause.) We have here those great shops in which are manufactured the snorting and powerful engines which defy space and time. We have here a great and peaceful community in many respects. We have here institutions that are respected, and, outside of the department of which I happen to be at the present time the head, we have as well governed and as honestly and as faithfully governed a city as exists in the world to-day. (Great applause.)

I want now to call your attention to that one building which is historical the world over, and urging upon you that, whatever number of visits you may have paid to it, you shall pay it one more during your stay here this time. No great association can meet in annual conclave in this city, if it is composed of true-hearted American citizens, without paying a visit to the Mecca of American liberty—Independence Hall. (Applause.) You have no right to leave the city of Philadelphia without going there, and again silently or openly pledging your allegiance to the Government of the United States (applause), and carrying back with you a renewed love and renewed hope and renewed belief and pride in our institutions.

Gentlemen, I wish your meeting to be one of profound success. I wish the object for which you meet to be successful, and sincerely hope that this great assemblage of men, representing as it does all the large drug houses of this country, will go on increasing in numbers and in importance and in usefulness to the community at large. (Applause.)

THE PRESIDENT—We are very grateful to Mr. Riter for these eloquent remarks, and I have the feeling that only a New York man can fittingly respond to this welcome. I will therefore ask my distinguished predecessor, Mr. Main, to say a word on behalf of our Association. (Applause.)

MR. MAIN—Mr. Chairman and Gentlemen: It is beyond my power to reply suitably to the words of welcome which we have heard from the gentleman representing the city of Philadelphia.

I know that I voice the sentiment of every gentleman present in saying that we are glad to be here. We know, all of us, some of the traditions of the city, how it has progressed in every direction, and we shall be glad to look once more at the home of liberty, to which he has called our attention. We thank him heartily for the welcome he has extended to us. (Applause.)

THE PRESIDENT—The next order of business will be the reception of delegates from kindred associations. We have the credentials here of the American Pharmaceutical Association. I believe Mr. Thomas F. Main is here as a delegate, and we shall be glad at this time to hear from him, as we did not hear from him in response to the former call.

MR. MAIN—Mr. Chairman and Gentlemen: I believe it has been customary since the meeting of the American Pharmaceutical Association held at Niagara Falls in 1882, when this Association sent its first delegation to that body, for each association to be represented at the meetings of the other by delegates, and it is in pursuance of that custom that the president of the American Pharmaceutical Asso-

ciation has delegated myself and colleagues to represent that body here.

We are here, sir, to extend to you cordial greetings from our Association, to congratulate you upon the work you have done during the past year, and the good you have accomplished for the wholesale trade in the various matters you have taken action upon. We also want to congratulate you upon the upholding of your rebate plan, which has worked so much good for the wholesale trade; yet while we do that, we want to remind you that the protective plan for selling proprietary medicines will never be perfect until some measure of protection is accorded to the large army of distributors, of which so many are represented in the Association which I have the honor now to speak for.

We also, sir, at this meeting invoke your aid in a bill which was introduced into the last Congress for providing for better professional recognition of pharmacists in the United States army and navy. At the proper time and place, our delegates will take an opportunity of presenting that matter for your indorsement, which I have no doubt we shall receive.

It remains for me to thank you for the privilege of the floor extended to our delegation, and to express the hope that the twenty-second meeting of this Association may be the peer of any of its predecessors.

THE PRESIDENT—We are always glad to hear from the American Pharmaceutical Association, the father of all the associations of retailers, and to all of which it is a very good friend. We have with us here to-night a distinguished gentleman from the Northwest, a good friend and neighbor, who prom-

ised me if I would call upon him to respond to the American Pharmaceutical Association, he would come home from Europe to do it. I am going to keep my part of this contract by calling upon Mr. Noyes to respond to the American Pharmaceutical Association.

MR. NOYES—Mr. President and Gentlemen: I have no distinct recollection of having made so definite a promise. At the same time, Mr. Eliel's recollection is very good, usually, and he states the fact with a good deal of distinctiveness. I feel safe in replying, because the city of Philadelphia has so kindly delegated its Director of Public Safety to welcome this Association, and I have no doubt we will be looked after while we are here. I think it must be in recognition of our former visit, perhaps, a visit when we so much enjoyed the hospitality of Philadelphia that it took most of us two or three months to recover from it. I have received warnings since coming this time to be more careful.

To return to the subject of the American Pharmaceutical Association. There is little to be said in answer to such words of welcome as we have had this evening that has not been said and well said before. The American Pharmaceutical Association stands at the head of pharmaceutical associations of of this country, and I think of any country. Its course has been dignified and eminently conservative; its course has never been other than onward and forward, aiming to lead in every legitimate department of its work and to reach the highest level. It has never been content in the work it has done, but has always pressed forward, recognizing that pharmacy is a progressive science. When it ceases to be

such, then the work of the Association is ended. We depend very much indeed upon the American Pharmaceutical Association, more perhaps than any other, for it gives us continued customers, it gives us intelligent and successful customers. This Association has every interest, therefore, in cultivating that friendship and fellowship, that close consultation and communion of interests, which have marked the course of the American Pharmaceutical Association and that of the National Wholesale Druggists Association.

It is pleasant that the first exercises in which we engage after the cordial welcome to the city of Philadelphia, and the provision which has been made for our safety and welfare, to listen to these words from the American Pharmaceutical Association, which we shall always honor, and which we hope will never lower its standard of excellence and never lessen its rate of progression.

THE PRESIDENT—It seems to me that the American Pharmaceutical Association is so large and influential a body that it is entitled to more than one representative on this floor at this time. I understand Mr. McIntyre is in the room, and if he is, we would like to hear a few words from him.

MR. MCINTYRE—Mr. Chairman and Gentlemen: Not having expected to be called upon to address this assemblage, I certainly come unprepared to make any formal remarks. I can only say it affords me great pleasure to meet so many gentlemen with whose names I am familiar, but whose faces I have never seen. I have learned to respect many of them, in fact, all of them, and shall carry from this meeting, no doubt, warmer feelings of friendship, and those are the feelings which all the



retail trade of the United States bear to these gentlemen, for I know the entire retail trade respects the wholesale trade of the United States. (Applause).

THE PRESIDENT—Gentlemen, as you know, the other part of our Association, the other half, is with us in the shape of the Proprietary Association, which always meets with us for its convenience and ours, and I think at this time it might be proper to hear a few words from that Association. I will ask Dr. Pierce if he can say anything to us that will encourage us. (Applause).

DR. PIERCE—Mr. President and Gentlemen of the Association: It affords me a great deal of pleasure to respond on behalf of the Association of Manufacturers and Wholesale Dealers to your fraternal greetings. In years passed it has been the custom for the President of our body to officiate in this capacity, but it so happens that this year the gentleman who presides over our deliberations in the Proprietors' Association is a man of such extreme modesty, that he naturally shrinks from performing this duty. In fact, he is possessed of all the modesty of a Queen. (Laughter and applause.) I have had occasion before, gentlemen, to speak to you about the extreme modesty of the average patent medicine man. (Laughter.) Of course, there are exceptions to the rule. In fact, it is said that the exception sometimes proves the rule, but it would not in this case, perhaps, be right for me to point out to you some few of the exceptions of the rule which I have laid down. I am certainly sure that you will agree with me that Mr. Queen is not one of those exceptions. I think I shall have only to relate to you an incident which occurred only to-day to substantiate the position which I

take in this matter. As I was coming over from New York to this beautiful old city to-day I chanced to pick up a newspaper on the train, and if there is one thing that generally attracts my attention in a newspaper it is the advertisements. (Laughter.) In glancing down the columns, the first thing that struck my eye was the picture of a beautiful female, modestly attired, engaged in the innocent occupation of picking figs. (Laughter.) There is nothing remarkable about this, but I was struck with the peculiar wording of the text, which accompanied that beautiful picture. It read something like this: "One enjoys both the means and the method when employing Syrup of Figs.'" (Laughter.) Perhaps that at first glance may not present anything peculiar, but note the extreme modesty of the statement. While knowing of the vast thousands of people over this country who patronize that celebrated preparation, and the thousands that must certainly have attested to its virtues, I am sure that any other gentleman, especially a Chicago gentleman whom I have in mind, writing that sentence, would have said: "The pens of tens of thousands testify to the virtues of Fig Syrup and enjoy both the means and the method when employing it." (Laughter.)

But, gentlemen, laying aside all pleasantries, it is certainly a great pleasure for the proprietors to be invited to meet your Association in this beautiful old city of Philadelphia, rich in historical associations and abounding in great educational institutions, and wonderful works in the way of architectural structures and in many associations of an elevating character which make it in every way interesting to every one who comes within its borders. I well remember



the first time I had the pleasure of visiting this city, and, in fact, it was about the first large city I ever visited. I was a younger man then than I am to-day, for it was in the early '60's and it was at the time when that great civil war was in progress just a little way south of here. I remember the stir and bustle, the military appearance that was present at that time in the city, and the martial music which resounded through the streets, while out at West Philadelphia was a great military camp, and all about the city large buildings had been turned into hospitals for the care of the sick and wounded who were brought back from the front. Recalling those times and the stir that was going on then, as I came in here to-day I could but notice the peaceful quiet that pervaded these streets. In this I am not making any allusion to the matter which was slightly hinted at to-night, for I do not think that Philadelphia is a slow city; in fact, I believe her citizens are now endeavoring to avail themselves of every means and methods they can—I do not want to borrow these words from my friend over yonder, but they are availing themselves of all means and methods they can to accelerate their movement. (Laughter.) I heard only the other day that more than a thousand bicycles had been stolen in the city of Philadelphia during the last year, and after that it cannot be said that the people of Philadelphia do not aspire to greater speed at least.

I wish to return our grateful thanks for your cordial greeting, and to say to you, that the Proprietors' Association, which has been referred to as the other half of this body, has a meeting to-morrow at 4 o'clock, at which time we shall discuss many sub-

jects which are of mutual interest to members of both bodies. We propose to take up the consideration of the rebate plan, the "cutting" question, and the free use of alcohol in the arts and medicines, and other questions; and, while a great many of you are members of that body as well as this, there is still room for a good many more; and I am authorized on the part of the Association to extend to you all an invitation to come and attend our meetings. We will also be pleased to accept applications for membership from as many of you as may feel that you would like to be affiliated with that body. We have a prosperous organization. I thank you Mr. President and gentlemen for your kind attention.

The PRESIDENT—I am going to ask Mr. Kelly to say a word for our Association in response to Dr. Pierce. (Applause.)

Mr. KELLY—Mr. President and Gentlemen: I regret that I have been called upon to respond, for it seems to me that there are others who would probably do the subject more justice than I can, particularly the chairman of the Rebate Committee, who is just in front of you. I would say, however, on behalf of the Association, that we are very well pleased to know that the bond of union still exists between the Associations, and that together we expect to work toward a common end for our mutual benefit. I do not know that any more important time for mutual co-operation has existed since the organization of this Association. It is well known to all that there has come a crisis in our history which will require a mutual co-operation of these two Associations, in order that we may uphold and maintain the rebate plan, which we believe to be vitally necessary,

not only to our own Association, but of great benefit to the proprietary association. I will say to Dr. Pierce, as representing that association, as is well known, we have always found the proprietors quite ready to aid us in any movement which was reasonable; and I believe we have never presented to them anything which did not meet with their approval. We are very glad to know, from the association as represented by Dr. Pierce, that we can rely in the future upon their aid. Certainly we cannot, as an Association, flourish and maintain ourselves without the aid and co-operation of the proprietors. The rebate plan is the corner stone of this Association. It is not all, yet I think we all agree that it is one of the important features of our Association which holds us closely together. We are accomplishing much more than the mere profit on the sale of medicines; but so far as my experience has gone, I feel perfectly confident that we must work together in order that we may exist as an organization. I am sure that I can speak for every member of the National Wholesale Druggists Association in reciprocating the kindly feeling expressed by Dr. Pierce to-night, and we believe and hope, that we will continue to act together for the good of the great business which we represent. (Applause.)

THE PRESIDENT—We have the credentials of the New Jersey Pharmaceutical Association, represented by J. C. Field and Charles F. Dare. If either of these gentlemen are here we would be glad to hear from them.

MR. DARE—Mr. Field told me to-day that he could not be here, for which I am extremely sorry. We are very glad to meet you here this evening, as repre-

sentatives of the oldest State Association. I will take pleasure in talking, perhaps, another time, if you will excuse me just now.

THE PRESIDENT—We are very glad to have you with us, Mr. Dare, and to listen even to the few words which you have spoken. We have with us delegates from the Georgia Pharmaceutical Association—D. W. Curry, R. G. Bradley, J. Stoval Smith, Thomas C. Peek and S. C. Durban. These are the delegates. I understand Mr. Peek is present.

MR. PEEK—It gives me great pleasure to be here to-night in the dual capacity of representing the retail association of Georgia, and also the wholesale association of Georgia. I am like my friend from New Jersey. I am not much of a speaker, but am perfectly willing to do anything in my power to continue the harmonious relations which exists between the Manufacturers' Association and the Wholesale Association. I trust our work at this meeting may be harmonious and productive of good for the advancement of the cause so necessary to the success of the wholesale business. I am glad to be with you, gentlemen, and wish you great success. (Applause.)

THE PRESIDENT—We have the credentials of the Pennsylvania Pharmaceutical Association. Mr. J. H. Redsecker is the delegate. As he is not present just now we will take up the credentials of the New York State Pharmaceutical Association, represented by George J. Seabury, whose name sounds familiar. He is with us, and we would be glad to hear from him. (Applause.)

MR. SEABURY—Gentlemen, after an absence of several years I am permitted once more to address you unofficially. I am very sorry that I have been in-

structed, especially on this occasion, but since you ask to hear from New York it will offer you its sentiments.

To the National Wholesale Druggists Association:

The New York State Pharmaceutical Association congratulates the National Wholesale Druggists Association on having attained its twenty-first birthday, and it hopes that this year it will be old enough to vote for resolutions and to adopt ways and means to protect our mutual commercial interests, and to create methods whereby the interests of the retailer, your natural customer, will receive practical protection instead of polite sympathy.

It is my duty as chairman of our delegation to favor you with records of our proceedings in exchange for the courtesies extended to our Association.

The educational, scientific and ethical questions that we debated, have little or no interest to the majority of your Association. Your relations to us are of a commercial nature, and as these and kindred subjects consumed a large part of our meeting, it may be interesting to know what the consensus of judgment was on our present trade complications.

First: They find that there is little or no sympathy with the druggist, when it comes to pure and simple merchandising; there are, however, notable exceptions; members were appointed to investigate our trade interests, and, if possible, to discover those in your ranks who were violating contract plans, furnishing goods to dealers on the cut-off list, and also—most important—who the jobbers were that were furnishing the retail druggist's worst enemy—the department store keeper. With the aid of manufactur-

ers, ample evidence was produced of an unimpeachable kind, not only direct, but through circumstantial evidence, which any jury would determine as guilty.

The persistent effort on the part of some members of this Association to continue practices so destructive to the interests of the retail druggist, has led members of our Association to consider protective measures by establishing a co-operative pharmacal company, which, as an initial movement, will undertake only the manufacture of family and pharmaceutical preparations. This movement was endorsed by a large meeting of the Association at Buffalo. In establishing the enterprise, they have simply followed the lead of other State associations, and to our minds is very suggestive. Where will this new department end? Will it be a preparatory step to become their own suppliers of drugs, chemicals, and allied articles in the near future?

Therefore, Mr. President and members of this Association, the New York Pharmaceutical Association, while it sends you its greetings, it also seriously requests you to endeavor to remove, if possible, existing grievances and disintegrating influences which are the outgrowth of violations of the conditions of the contracts of those who sign agreements in the contract plan, and to assist retail druggists in the United States to practice pharmacy under more favorable conditions that will once again create harmony and good fellowship in the drug trade for our mutual welfare.

THE PRESIDENT—We have credentials here from the Michigan Pharmaceutical Association. I have no names of delegates, and I would ask if there is present a representative from that association; if not,



I am going to ask Mr. E. C. Frisbie of Hartford to respond to these various associations on behalf of our Association.

MR. FRISBIE—Mr. President and Gentlemen: I wish I could make a speech in response, but after the eloquent address that has been delivered by Mr. Seabury, I have been turning over in my mind what sort of a reply could be made, if one should be made by anybody. I found that he had been so careful that the speech had been written. I wish I might have had the opportunity to see it and gone into it in detail. There are some ideas which he has suggested which would convey the impression that the trouble was entirely with the wholesale trade. I think he is treading upon tender ground, and if we should undertake to reply too carelessly, we might raise questions which would bring trouble. An incident worth mentioning occurred this past week in a New England State. One of the most prominent gentlemen in the retail trade in that state, who has been persistently saying that the wholesale trade should not sell to grocers, cutters, department stores, etc., referred to a wholesaler for credit, and the communication came from a department store. It seems to me if we are to discuss this question, which needs to be discussed, we should be careful not to let the pot call the kettle black. While in many respects, I think the retailers have good grounds to take up this subject in the manner Mr. Seabury has mentioned, we should consider it very carefully. I wish I could respond to the eloquence of the other gentlemen, but, as I am not prepared, you will excuse me from saying more. (Applause.)

The Secretary read the following letter:

CORNEILLE, DAVID & Co.

LONDON, Sept. 24, 1896.

*J. C. Eliel, Esq., President of the National Wholesale Druggists Association, Hotel Walton, Philadelphia:*

Dear Sir—I am instructed by the Proprietary Articles' Trade Association of Great Britain, to send their greetings and cordial best wishes to the National Wholesale Druggists Association of America, and trust that the convention to be held in Philadelphia may be a successful one in every respect.

I have the honor to remain, dear sir, faithfully yours,

(Signed)

W. A. GILLIGAN, Vice-President.

THE PRESIDENT—There is one matter of business which we should attend to this evening—the report of the Committee on Membership. Under our by-laws the report of the Committee on Membership must be posted for a definite length of time, and in order to do that, I think it is customary to call up the report at the first meeting. I will call up the report now, unless there is objection.

Mr. Carter then presented the report:

MR. MAIN—I move that the report be received and take the usual course—that is, be posted at the door for twenty-four hours.

Motion carried.

The meeting then adjourned until ten o'clock Tuesday morning.

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## SECOND SESSION.

*Tuesday, Oct. 6.*

President Eliel called the Association to order at 10:04 a. m.

THE PRESIDENT—Gentlemen, we will come to order and take up the regular proceedings, with calling the roll of members.



MR. ROBINSON—I move that the roll-call be dispensed with, and that the Register of the Secretary be considered the roll-call.

Seconded.

On motion of Mr. Main, of New York, the reading of the minutes of the last meeting was dispensed with.

THE PRESIDENT—We have with us this morning Mr. Charles Heber Clark. We would be happy to hear from him.

MR. CLARK—Mr. President, I had not the slightest idea that I would be called upon to say anything to these gentlemen. I came here not only as a member of this Association, but as secretary of the Manufacturers' Club, to extend to you a very cordial invitation from the Board of Directors, made at their meeting last night, that you should enjoy the hospitality and courtesies of the club house while you are in this city. I put a letter in the hands of your secretary, expecting that it would be read, and that I should remain silent; but, as I have been called upon, I would say we shall be very much pleased to have the members of this Association visit the club house. The club is a very powerful organization, with 1,100 members, including a great many of the chemical manufacturers of this city.

I have cards in my pocket which can be used by the Secretary of the Philadelphia Drug Exchange, or by any of the members of the Manufacturers' Club who are also members of the Association. I should also say that Mr. Kline is one of the distinguished members of our club, also, Mr. Rosengarten and Mr. Hanee, gentlemen who are on your committee. I am merely bringing that letter here as an extended invi-

tation to the members of the Association to visit us, and we shall be heartily glad, gentlemen, to see you. (Applause.)

THE PRESIDENT—I thank you.

THE SECRETARY—I will just supplement the remarks of Mr. Clark and say, that his invitation was just handed to me, and it had not reached the regular order of business. That was the reason why it was not presented before Mr. Clark was called upon.

THE PRESIDENT—Gentlemen, we failed last night to hear from the great state of Pennsylvania, and as Mr. Redsecker is here this morning, I am going to call upon him to say a word to us for the Pharmaceutical Association of this great state.

MR. REDSECKER—Mr. President and Gentlemen of the Association: I know, as you do, Mr. President, because we are both acquainted with the history of the Greeks, that they had a way of fining any person for using three words to express what they could in two, and therefore I shall be as brief as possible. I am further aware, too, that you are not Greeks, therefore I am not fearful that I should be fined if I did use three words instead of two.

I come, Mr. President, with the greetings of the Pennsylvania Pharmaceutical Association; an association that numbers among its members some of the distinguished pharmacists of the country; men who are prominent in pharmaceutical education, in conducting pharmacy—men who are prominent as wholesale dealers, because we do not confine ourselves exclusively to the retail druggists—men who have made a name for themselves as well as for the Pharmaceutical Association. I am glad to greet you here in the State of Pennsylvania, for it is truly a

very great state, although it cannot be said of it as was said on one occasion of New Hampshire, that it was a very excellent state to be born in, provided you left it soon enough. We know that you who come from the West, think that everything depends on your efforts. In political affairs I think it is going to depend on you to some extent this year, and we trust you are not going to be recreant to your duty in that matter. I come, as I said, with greetings from the P. P. A., and we trust that you will exert the powerful influence that you have to bring, if possible, some measure of relief to the retailers. I do not believe that much is to be accomplished, although I know that you have been working in that direction as well as the retailers have. I can hardly see how anything is going to be accomplished to-day, and, if something is not done, somebody is going to be hurt very badly. First, the retailer, and, secondly, the wholesaler, to whom the retailer is indebted, and, third, the manufacturer of proprietary preparations. I find on going around to the country trade, the country storekeepers, on whom the manufacturers largely depend for the output of their products, are not handling them now, and are not going to handle them, simply because there is no profit in the goods themselves, and the druggists will soon begin to not handle them. Then where is the manufacturer going to be? He will have to find another outlet. I trust something will be done by which some measure of relief may be obtained for the retail druggists of the country. I do not know that we shall come as suppliants, either. I think there is only one thing that the retail druggists can do, and that is when he gets on

his hind feet to declare positively that these preparations must go, and then somebody is going to get crushed. Who it is I do not know—possibly the retailer, because you men have all immense bank accounts. Perhaps I should not speak to you in this way, because there are manufacturers in your Association as well, and you may find some other way of doing the business. But I come, Mr. President, with the greetings of the Association, and hope that the meetings may be of very great profit and of very great interest to the members, that you may have a very pleasant meeting in the city of Philadelphia—such a very harmonious meeting, indeed, as you ought to have in this City of Brotherly Love—and that all your deliberations and your entertainments may build up your membership and increase the interest in your Association. I thank you, Mr. President and gentlemen, very much for the courtesies you have extended to me and for the patience with which you have listened to me. (Applause).

THE PRESIDENT—We have been very glad to hear from our friend, the retailer. I believe it has been customary at former meetings to request me to answer the retailer, but I am unable to do that on this occasion, and I am going to call on my friend, Mr. Myers, of Cleveland, to say a word on behalf of our Association.

MR. MYERS—Mr. President and Gentlemen: This is quite unexpected to me. I have not been attending the meetings for some years, and I am exceedingly rusty in this kind of business, but as a wholesaler, and as a member of this Association, I can say that we are always gratified to hear from our friends, the retailers; and I can assure you that we

are always ready to co-operate with them as we have done, and we are on record for doing all that we can consistently do to promote their welfare. Their prosperity is our prosperity, and in co-operating with them to advance their interests we advance our own interests. I can therefore assure you that this Association, in the future, as in the past, will always heartily co-operate to promote the welfare of the retailers. (Applause).

THE PRESIDENT—Gentlemen, I have put this off as far as I consistently could, and unless there is some other business to come in now, the next order of business is the president's address. I can assure you that it will at least have one merit, and that is that it will be very brief.

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### PRESIDENT'S ADDRESS.

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We may well felicitate ourselves upon the fact that we are met to-day in this City of Brotherly Love, this magnificent mercantile and manufacturing metropolis, this typical American city, whose history is the story of the birth and development of the nation itself; a city which appeals to us as an association because here pharmacy first found a home in America; and which appeals to the patriotism of each individual member, because here was the stage upon which was enacted the stirring drama of a people's birth, here was brought forth that nation which was "conceived in liberty and dedicated to the proposition that all men are born free and equal." Here assembled the first Continental Congress, and from here went forth that immortal document which is the palladium of our liberty. From yonder belfry was first rung out that message which still rings and reverberates through every fibre of seven times ten million loyal hearts! "Proclaim liberty throughout the land to all the inhabitants thereof."

How great the contrast between this and our last meeting place in Denver, the "Peerless Pearl of the Golden West," glittering



like an iridescent gem in its sombre setting of massive mountains, a setting richer far than all the mines of Ormus and of Ind. Not soon shall we forget our wanderings through those awful canyons, riven and rent as by some Titan hand, through which the foam-flecked torrents rush and roar as they slowly carve their way to peaceful valleys far below—valleys now rich in agriculture, which were a terra incognita where no sign or sound of civilization had e'er been heard when this city of homes was heavy with the burdens of more than fifteen decades, and rich in the heritage of Revolutionary fame. Here lived William Penn, and here he left the impress of his character. Here Franklin's mighty intellect found fit environment, and here his ashes rest in the sleep that knows no waking. Here Washington delivered his farewell address, and from here he retired to that home he so dearly loved. Here the first printing press began to form public opinion, and here stands, in Girard College, the grandest and most beneficent monument ever erected to commemorate mercantile success.

I shall always bear in grateful remembrance, too, that it was here in Philadelphia upon a similar occasion, eleven years ago, that you showed me such signal evidence of your consideration and kindness, for it was here you accepted my invitation to visit Minneapolis, that new born city, which, while yet in its cradle, like the infant Hercules, strangled the mighty Father of Waters, and, turning aside its life current, harnessed it to those giant mills which feed the world.

It is with pleasure that I see assembled here to-day so large and representative a gathering, showing as it does, growing and continued interest in our Association, in its work and welfare. It is a pleasure, too, to look around and see the familiar faces of so many of our old friends, tried and true, and we are thankful that Divine mercy has spared them yet another year to guide and counsel us in our efforts to "promote fraternal and social relations, to guard against feelings of distrust and jealousy, to restrain competition by other than honorable methods, to discontinue all customs not in accordance with sound business principles, to establish rules and regulations whereby all grievances and differences may be finally and equitably adjusted."

Those who are actively engaged in our vocation to-day are, many of them, too young to remember the conditions which obtained before the first meeting at Indianapolis, at which those wise words were adopted as a preamble to our constitution. I

wish that mine might be the power to call up and pass in review before their eyes a true picture of those days, which the mirage of time has softened and transformed. Those good old days when competitors, though living in the same city, often spake not as they passed by, when no man had no confidence in another if that other had the temerity to follow the same calling, when there was neither uniformity of method nor interchange of opinion.

There are to-day many honorable men engaged in the wholesaling of drugs who have never given us the countenance of their presence, who are not members of our Association and still believe or affect to believe that individual is better than concerted effort. I cannot too strongly urge these men to join their forces to ours, and I desire to ask on their part careful consideration of this question: Is it fair, is it right and just, that you daily participate in the advantages and emoluments which are the direct result of the work of our Association without contributing to its labors or expense? I do not refer to the contract plan alone, although that is the most conspicuous of the benefits we have conferred upon the trade at large, but also to what has been accomplished in legislation, to its social influence, to the distinguished position it has won among the guilds of the country. Our work, so well begun, is far from finished, and on behalf of our Association I extend to each and all who are yet without the fold, a cordial invitation to come unto us and be of us and with us in the good work yet to be done.

I shall not, at this time, enter into any extended review of the year, but will leave to the various committees that duty, contenting myself by touching upon some of the leading and most important matters, giving first place to the report of the Committee on Proprietary Goods.

As you all know, the rebate plan has again sustained an assault in law at the hands of its principal (open) enemy, and, thanks to their efforts, we now have an expression from the bench confirming the legality of the rebate plan, of which we have had frequent assurance from the ablest members of the bar, and we may now reasonably expect that these questions are at last definitely settled, and that those who have doubted and hesitated will hesitate no longer, and that those proprietors who have not yet adopted this saving clause will now join the ranks of those who believe the middleman, so necessary a factor in the distribution of their merchandisc, should have some return for his services.



As it is apparent from expressions in the trade papers that many of our members do not entirely comprehend the scope of Judge Russell's decision in the case of Park vs. the N. W. D. A., it may be in order to say here, that, stripped of its legal verbiage, it in effect confirms the absolute legality of every part and parcel of the rebate plan, as also the acts of those manufacturers who have adopted it and operated in accordance with information supplied by the proprietary committee of this Association. The learned judge distinctly says: "It is lawful for the Association and the manufacturers, to provide means for obtaining information as to the acts of firms violating any proper agreement in regard to the sale of proprietary drugs by any of the associates or customers of such associates." It is lawful for the manufacturers individually to agree with their customers that those customers shall sell the particular goods manufactured by the vendor for a certain price. It is lawful for each manufacturer to refuse to sell to any customer for any reason however capricious any of the goods manufactured by him. The defendants are not enjoined from obtaining or imparting information as to the manner in which plaintiff conducts his business or any violation of any agreement with any specified manufacturer, and neither of the defendants are enjoined from making any agreement with the plaintiff or any other person fixing the price of his particular line of goods."

Now, what are we enjoined from doing? "From forming a combination, from conspiring or combining together to prevent the plaintiff from freely purchasing goods or disposing of them to persons who may desire to purchase." Therefore, in effect Judge Russell says, you may continue to do all those things which you have done heretofore, but you must not waylay this plaintiff with intent to do him bodily harm, neither may you fire his premises or destroy his property. As we have never by any act expressed or implied contemplated doing these things, so also have we never claimed that it was lawful to do those things from which we are restrained.

There is some diversity of opinion as to whether this decision ends this litigation, and it is therefore to be kept in mind that no trial of the case itself has yet taken place. So far only the plaintiff's right to obtain a preliminary injunction preceding a trial of the case has been decided in the negative. It is entirely reasonable to assume, however, that if it was impossible for this plaintiff, upon the strongest possible presentation of an assumed case, to

obtain even this preliminary injunction, there cannot be much upon which to predicate a claim for relief at the hand of justice, and we may reasonably therefore consider the incident ended in our favor.

While we may well congratulate ourselves upon having established the legality of our acts, it is to be remembered that we have never feared the law, but have welcomed the issue. We are wont to speak of the Cincinnati concern as *the* enemy of the rebate plan, forgetting that there are others who, for selfish reasons, would rejoice in its destruction, and from whom Park has received substantial aid and encouragement, and, much as we condemn the acts of this house, while we are aware that its promises are as water, while its methods prove it to be without mercantile honor, yet do I put it far above those who, while claiming to be our friends, while posing as champions of honor and righteousness, have, behind this bulwark of deceit and hypocrisy, fought us after the manner of the Modoes. Let it be said for the honor of mankind, that these cases are rare, but that they exist we know too well.

Before leaving this subject I desire to again express to the chairman of the Committee on Proprietary Goods, Mr. M. N. Kline, our appreciation of his invaluable labors in our behalf. We were fortunate indeed in enlisting the aid of this matchless gladiator in the arena of debate. Fortunate will it be also, if he can be induced to again accept the position which he has so ably and honorably filled for nine consecutive terms.

#### BOX AND CARTAGE.

This matter received at our last meeting the extended attention which its importance merited, and, after full and careful discussion, it was resolved that a committee should visit the Eastern jobbers, in the hope that the custom of making the open charge might again prevail in all sections. Of the work of this committee, of its successful labors, and of the action of one house which changed this success into failure, you all know. While I do not believe any action can be taken at this time, I cannot refrain from quoting the clear and concise statement of the case by my predecessor:

"Free box and cartage had its origin, as such trade abuses generally have, in concessions made to favored customers by salesmen or by firms. As usual in such cases, the abuse grew rapidly

until one of the leading New York houses, being unwilling to continue the practice of charging certain customers for box and cartage, while delivering f. o. b. to others, announced free box and cartage to all, which example was necessarily followed by others doing business in the same field, and spread from city to city until it became the rule. \* \* \* Few who have not looked carefully into the matter realize its importance, and what an onerous charge is assumed by those jobbers who give box and cartage free. It is safe to estimate the cost of this service at from 1 to 1½ per cent. upon the gross sales. \* \* \* This is a sum paid out of the net profits of the business, and which owing to the nature of the articles in which we deal, it is impossible for us to recoup. It was at first thought a sufficient advance could be charged upon goods when sold in broken packages to cover the cost of case and cartage, but when it is considered that from 60 to 70 per cent. of the sales of jobbing houses consist of proprietary and other articles which are sold at fixed prices, and which cannot be advanced, you will readily see that this is not possible. There can be no question that the charge for box and cartage is a just one. It is a rule throughout the civilized world, that, when original packages are broken for the convenience of a customer, he pays the cost of repacking. To break bulk and repack costs money. This cost can be provided for only by adding to the selling price of the article, or, by making a direct charge for the service. This latter seems to me the most common-sense method, and should be preferred alike by the buyer and seller."

Upon this statement of the case I cannot improve, and I repeat it here in the hope that it will receive your careful and thoughtful attention, and that in due time our Eastern friends may be brought to see the error of their ways, and be induced to align with the West and South, where the open charge is in vogue. I desire also to add here that when the movement to establish the open charge in the East failed, and it seemed as if the West and South were about to be inundated by the f. o. b. wave, a meeting of the Western Association was called at Chicago, at which the situation was discussed and the impending disaster averted by the formation of a new picket line for the protection of those to the West and South. On this line our friends stand like a stone wall, unselfishly guarding their competitors from a practice which daily assaults, but cannot overcome this trocha. The names of these men may not go down to everlasting fame, as did those who

stood at the Pass of Thermopylac, but I venture the opinion that their action requires a higher type of courage. Surely an association which engenders and fosters this spirit has not labored in vain.

This brings me to a consideration of the several local associations—the Western, the Southern, the O. K. and I., the Lake Erie, the New England, the Missouri Valley and others—which have so ably furthered our efforts and have been of inestimable assistance to us in fostering and advancing the principles laid down for us by those of whom we so often and so fondly say, “They builded better than they knew.” These are our eyes and our ears, taking quick note of local troubles and differences, keen to detect little infractions which might otherwise fester and grow and become troublesome sores and sources of dissatisfaction, serving to bind us together into one happy and harmonious body, complete in all its parts, and capable of performing with certainty and celerity its various functions. To these, in great part must be given credit for the good which we have been permitted to perform, and to these and their members we extend to-day a grateful recognition.

#### FREE ALCOHOL.

I deem it most unfortunate that the earnest and efficient labors of a long succession of committees of this body, aided by its members and officers, as well as kindred associations and interests, should finally result in the hasty passage of a law so crude and faulty in its provisions, so sweeping in its scope, that many wholly favorable to the principle involved could not support it. This act carried with it no appropriation for its enforcement, and was placed upon the statute books at a time when the Government could ill spare the tremendous loss of revenue involved, and most unfortunate that the act was in the hands of executive officers hostile to its enforcement. All must commend the magnificent fight made for our rights by those who had this matter in charge, and though the law has been finally repealed, the struggle has not been without result, for the educational campaign which they so successfully carried on has opened the eyes of legislators to the immense interests involved, and will without doubt result in legislation which will conserve alike the interests of the manufacturer and of the Government. You are all familiar with the status of the struggle to collect rebates due us

under the act in question, and although the result is in doubt at this time there is no question but ultimately those who have kept the proper records and evidence, will succeed in getting what is their due. I trust, therefore, that the fight for free alcohol will be continued with energy and vigor, until there be placed upon the statute books an equitable law which will relieve the manufacturer from this onerous tax.

#### THE QUESTION OF 10 AND 5 PER CENT.

A great deal has been said on both sides of the question of an increased profit on proprietary goods, and a statement of my views may not be out of place at this time. When the contract plan was conceived and put into practice the conditions were not what they are to day. The sale of proprietary goods was much smaller than now, and on the other hand the jobber sold a much larger proportion of drugs and profitable goods which to-day go out in the form of pharmaceutical fluids, pills and tablets, the profit on which is fixed. In addition to these changes he must carry innumerable lines and duplications of lines of goods which were then practically unknown, and also his expense has in every way very much increased, and so what at that time seemed a liberal margin no longer affords a profit. Yet it must be borne in mind that our Association is on record in this matter, and has again and again pledged itself to be satisfied with 10 per cent., and this profit I believe should be acceptable to all on preparations which are good sellers, but I consider it inadequate on goods not persistently advertised, and also on that long list of 10, 15 and 25 cents preparations which is constantly increasing. On all new proprietaries we should insist on at least 10 and 5 on \$1.00 preparations, and not less than 15 per cent. straight on those which sell at less. I believe, too, that the cutters have not been benefited by the increase in discount which more than twenty of the rebate proprietors have made, but, all things considered, our efforts should be directed rather to increasing the rebate discount in all cases to at least 10 per cent., to the rebating of a large number of prominent goods still in the open market, to weeding out of the list all local and slow sellers; and all those whose contracts and conditions are not strictly enforced, or which are sold direct to retailers for division or at best price.



10 PER CENT. ON  $\frac{1}{4}$  DOZENS.

After many futile attempts to induce all rebate proprietors to adopt a uniform clause in their contracts providing for an advance of 10 per cent. for sales of less than one-quarter dozens, and owing to the absence of a proper support on the part of many of our members when this clause was incorporated, it has been thought advisable to abandon this feature. This necessity I deeply deplore, as it is, in my judgment, a backward step. I still maintain that the principle involved is just and mercantile. The custom now in vogue encourages the duplication and division of orders, and puts upon the jobber a burden of increased labor and expense which he can ill afford. Our experience with this and other attempts to amplify or change the contract plan convinces me that we should in future, bend our energies toward its perpetuation in its original form; that we here highly resolve once again to dedicate ourselves to the work of maintaining the contract plan in its entirety and in its integrity.

At the proper time the Obituary Committee will report the list of those who during the year have fallen by the wayside and are at rest. Among these, there was one whose absence we will all most keenly feel, whose sterling worth his associates were quick to recognize, whose gentle ways and kindly face still linger in our memories, whose cautious and conservative judgment so often pointed out to us the danger just ahead. Calm and deliberate under all circumstances, he never gave utterance to an unkind word, and was incapable of an overt act. Full of years and of honors, he laid aside life's burdens and joined the ranks of the great and silent majority.

To the various committees, in whose hands is the real work of our Association, I desire to extend my thanks for the efficient aid so freely given, and I bespeak for them the close and careful attention, which their reports merit.

In accordance with the wishes of ex-president Main, the printed proceedings of our last meeting have been edited in an improved and revised form, with a permanent cover more in keeping with the character of the work they perpetuate; new and rearranged indexes have been added by our careful and painstaking secretary, and all the future editions should conform to the admirable plan he has devised.

We are also indebted to my predecessor for having made the installation of officers a pleasing function and a feature worthy of

the occasion, and I trust that this precedent will be followed by all future presidents.

FINANCIAL.

As you know, the trip of the Committee on Box and Cartage, already mentioned, together with the expenditures involved in the defense of the rebate plan against its principal enemies, made an assessment necessary, and it is a pleasure to record here that it met with a hearty response from all members in the active list, to which it was confined.

I congratulate this Association upon the favorable auspices under which we to-day assemble; upon the fact that we are at peace with the nations of the earth, though the black shadow of impending war has twice impinged upon our shores; that neither famine nor pestilence have befallen us; that the earth has yielded of her abundance; that so many of our old friends have been spared yet another year to guide and counsel us in our labors.

Despite the shrinkage in values from which, in general with all the world, we have continued to suffer during the year, we are thankful for a reasonable prosperity. The year would have been at least an average one had it not been for the assault upon our character and credit, miscalled a political campaign, now being waged by the worse element in one of the great parties, allied with the worst elements from all the others, which is engaged to-day in an attempt to foist upon our people a system of finance at once dishonorable and discreditable, which makes of thrift and industry a crime, which seeks to array section against section, and capital against labor, which strikes not only at existing laws, but openly threatens the court of last resort, which it would prostitute to its own purposes.

This is not politics, with which our Association has no concern, but to this crusade must be ascribed the withdrawal of capital and confidence, which has stopped the busy shuttle in the loom, banked the furnace fires, hushed the hum of industry, and driven thousands of honest workmen into enforced idleness.

C. L. WELLER, Omaha—We have all listened to the able address given by the president, and I now move that it be referred to a special committee.

MR. HOVER, vice-president, in the chair—You have heard the motion. Those who are in favor will signify by saying "Aye." So ordered.



MR. KLINE—Mr. President (Mr. Eliel in the chair): I would call to your attention the fact that a gentleman has just entered the room who, although not a delegate, is an ex-president of the A. Ph. A. and one of our most prominent pharmacists. I refer to Mr. Charles A. Heinitsch, of Lancaster.

THE PRESIDENT—I am sure we will be glad to hear from Mr. Heinitsch.

CHARLES A. HEINITSCH—Mr. President: While I am glad to be here and to meet with you, I do not know that I have any special remarks to offer.

THE PRESIDENT—We will now go on with our official program. The next business in order is the election of members. I take it that if Mr. Carter has anything to say to us at the present time he will now be heard.

MR. CARTER—It is not time yet to call up that report, I think.

THE PRESIDENT—We will pass that, then, for the time, and as Mr. Robinson is here, will call upon him for the report of the Committee on Memorial of Deceased Members.

## REPORT OF COMMITTEE ON MEMORIALS OF DECEASED MEMBERS.

To the Twenty-Second Annual Convention, N. W. D. A.:

Mr. President and Gentlemen: Another year has added to the list of our members and our friends, who have departed this life. With full appreciation of our loss, and sincere sympathy for their immediate business associates, and for their families, we have, in the discharge of the duties assigned us, prepared for the Association for preservation in its history, brief record of each of these sad events. These well-spent lives, now ended, reflect

honor upon the Association, and furnish encouragement for earnestness and fidelity in the discharge of duty and examples in life well worthy of our emulation.

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*DR. JOHN W. CROWDUS, Dallas, Tex., of the  
Crowdus Drug Company.*

*Born— Died September 11, 1895.*

Dr. Crowdus was twice Mayor of Dallas. He was one of the most prominent of her citizens in the up-building of his city. He was the head of his house. His death occurred in his 68th year.

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*LUZERNE ITHIEL MUNSON, Waterbury, Ct.*

*Born March 1, 1838. Died October 28, 1895.*

He began business life at the age of sixteen. He advanced steadily to positions of responsibility. He was one of the original members of the Connecticut Pharmacutical Association; was president for one year, and for several years chairman of the Executive Committee. He was also a member of the American Pharmaceutical Association. He was an energetic business man, and remarkably successful.

He was elected Comptroller of the State, and served in this office during 1885 and 1886. He served his city as Alderman, Fire Commissioner and Assessor.

He took an active interest in his church. He was a prominent Mason and Odd Fellow, and honored by them with high offices.

He left a widow and two daughters.

*WILLIAM PAUL THOMPSON, Pittsburg, Pa., of the National Lead and Oil Company of Pennsylvania.*

*Born January 7, 1837. Died February 3, 1896.*

Col. Thompson began life as a lawyer. He entered the Southern Army in March, 1861, and served with distinction throughout the war, being at the close Colonel of the Nineteenth Virginia Cavalry. After the war he exerted his influence to remove sectional bitterness, and to promote a return to kindly relations between the North and the South. He engaged in commercial affairs; served as secretary and afterward vice-president of the Standard Oil Company, and in 1889 was elected president of the National Lead Trust, which position he held until his death. He possessed fine executive ability; his judgment was accurate and far-reaching; his character was progressive, courageous, gentle.

Mrs. Thompson, two sons and a daughter survive him.

*M. ROSENTHAL, of A. B. Ansbacher & Co., New York.*

*Born in 1841, died February 5, 1896.*

Came to this country from Germany when he was about 26 years of age, and entered the service of A. B. Ansbacher & Co. He became popular and successful as a traveling salesman. In 1878 he removed with his family to Chicago as the center of his territory. Later his house opened a branch in Chicago, Mr. Rosenthal becoming a member of the firm, and the manager of the branch.

He was a sufferer for several years before his death, and met with the affliction of the death of his wife only ten days before his decease. Three children survive the father and mother.

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*JAMES WHITALL, Philadelphia, Pa., of Whitall, Tatum & Co.*

*Died February 28, 1896, aged 62 years.*

*GOTTLEIB EISENBEIS, Allegheny, Pa.*

*Died March 12, 1896.*

Began life as an apprentice in the drug store of which he subsequently became the proprietor at the age of 14 years. He led an active business life. He gave years of usefulness to benevolent work.

He was active in church work, served faithfully in the Sunday school, was treasurer of Trinity-Lutheran Church, and also treasurer of the General Synod. He leaves a widow and five children. He was honored and respected by all who knew him. Mr. Eisenbeis was a member of this committee.

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*CHARLES T. RAYNOLDS, New York. Of the Devoe & Raynolds Company.*

*Born 1816. Died April 20, 1896.*

At the age of 15 years he came to New York and secured employment. In 1832 he removed to New Orleans, but afterward returned to New York. In 1848 he became a member of the firm of Butler & Raynolds. In 1892 the well known houses of C. T. Raynolds & Co. and W. F. Devoe & Co. were united

in one corporation. About eight years since he retired from active participation in business. He left a widow and two sons.

Another thus well delineates his admirable qualities: "Personally, Mr. Charles T. Raynolds was very popular. He had a gentle and amiable disposition, was kind and considerate to his employes, and courteous to all with whom he came in contact. He was a man of the strictest integrity and the most untiring industry, and the great house which his labors and genius did so much to develop is a monument to his sagacity and ability. Mr. Raynolds possessed a strong liking for literature, and was noted for his modesty and domestic tastes and habits."

*E. A. BIGELOW, Lowell, Mass., of the J. C. Ayer Company.*

*Born November 11, 1829. Died May 18, 1896.*

He began his business career at the age of sixteen. He entered the service of the J. C. Ayer Company when twenty-four years of age. For an interval of twelve years he was out of their service, and resided at Rockford, Ill. Thereafter he returned to Lowell, and was made manager of their large business, which important position he held to the time of his death. He leaves a widow, a son and a daughter. He was an earnest member of Eliot Congregational Church of Lowell. His daughter, Miss Agnes, is a missionary in South Africa.

He was a man of sterling character, sound judgment and attractive qualities.

His services in the Association have been invaluable—regular in attendance at its meetings, he was

ever a wise counselor, and earnest in promoting its influence and usefulness upon the highest plane. It has been well said of him by two of our most faithful members, who know him well—by the one, “one of nature’s noblemen has gone hence,” and by the other, “he was a friend whom it was an honor and pleasure to count as such, ever true and sincere.”

SAMUEL S. WHARTON, *Nashville, Tenn., of Berry,  
De Merville & Co.*  
*Died May 19, 1896.*

Mr. Wharton died in his sixty-first year. He was the senior member of his firm. He entered business life at an early age. Responsibilities fell upon his shoulders in his youth, being the eldest son of his widowed mother. He was one of Nashville’s most substantial citizens, and was prominent in the church of which he was a member, an elder in the First Christian Church. He enlisted early in the Southern Army, was soon detailed to the Medical Department, and served as superintendent in this branch of the service of the Army of Tennessee to the close of the war. He then again entered his old house. His wife, who was Miss Woolwine, and two children, survive him. He enjoyed the esteem of all who knew him.

In concluding this report the committee respectfully suggest the following action by this convention:

“Resolved, That the Secretary is directed to insert in the Journal for 1896 a ‘Memorial’ page, upon which shall be inscribed the names of our friends, the members of the Association deceased within the past year.”

Respectfully submitted in behalf of the committee.

WM. A. ROBINSON, Chairman.



THE PRESIDENT—We will now take up the reports of the other committees in their regular order. I will now call for the report of Mr. M. N. Kline.

MR. WELLER—Mr. President: Before we start in, I would like to appoint the following committee to take into consideration the President's address: Mr. F. A. Faxon, Mr. W. A. Robinson, and Mr. William J. Walker.

MR. KLINE—Mr. Chairman and Gentlemen: I want to apologize in advance for the length of this report; it is one of the longest that has been brought before the Association, and one which is likely to prove tedious, but it did not seem as if we could prepare for our record what ought to be said without saying what is said.

#### REPORT OF COMMITTEE ON PROPRIETARY GOODS.

To the National Wholesale Druggists Association: The matters coming under the supervision of the Committee on Proprietary Goods during the past year have been as full of interest as any which have heretofore been recorded in our proceedings, and although all these have from time to time been brought to the attention of our members through circulars issued by the committee and through the pharmaceutical press yet, it is necessary that they should here be referred to in detail, as to make the official records complete; and it is possible also, that in thus bringing them before the Association, information which may be of considerable practical value to the members present, will be brought to their notice.

It may be proper, before proceeding to note the various steps taken by this committee, to remark, that the unexampled stagnation in business through which we have passed (the reasons for which it is not necessary that we should refer to here) has rendered it more difficult than ever before; both for manufacturers and dealers, to maintain schedules of prices adopted under the rebate



system, primarily, and, as we claim, principally for the protection of the manufacturer and his interests, and, secondarily, for the purpose of insuring to the wholesale dealer at least a sufficient profit on the proprietary medicine portion of his business to cover the necessary expenses. In making this statement we realize that it has been denied in certain quarters that the maintenance of this system inures, to any appreciable extent, to the benefit of the manufacturer, but this committee need not enter into any argument to contravert this sophistry, because it will be universally admitted that the class of manufacturers who have now, for a long term of years, carried on their business under this system, are possessed of a degree of business sagacity which does not admit of any serious questioning of the statement that if the rebate plan was against their individual interests they would not continue it for a single hour.

Assuming, then, as we properly may, that the plan is conceded to be of the greatest possible benefit and interest to both manufacturer and dealer, we may, at the outstart of this report, congratulate ourselves, first, that it has, upon the whole, been so satisfactorily and universally maintained during this period of unparalleled business depression, and, secondly (as we shall see later on), that the questions of doubt which have constantly been raised by some as to its legality have been entirely removed during the period under review.

At the last meeting, held in Denver, the plan which had received the careful and conscientious attention of the former committee, and many of the individual proprietors and members of our Association, was fully discussed and finally practically unanimously indorsed by this Association. It will be remembered that the plan involved the election, first, of the chairman of this committee by the Association at large, and, secondly, of the members of the committee by the various exchanges representing the thirteen (13) sections of the United States, each section to name its own representative. It also provided that in the event of any of these exchanges failing to perform this duty within thirty (30) days after the adjournment of the Denver meeting, the chairman was authorized to make an appointment from among the wholesale druggists of that section. The committee was further to include a representative selected by the proprietors adopting the plan, if they so elected. As an evidence of the interest taken in this subject, we can mention that every one of the thirteen sec-

tions promptly performed this duty, and the committee we have had for the past year is made up of members elected in accordance with this arrangement, and Dr. Pierce, and Mr. Bigelow were, upon consultation, added to the committee to represent the manufacturers.

Having perfected the machinery, so far as this Association could do so, an answer to the question whether the manufacturers believed it to their interest to work under it was pressed, and on Nov. 20, 1895, a considerable number of the most prominent proprietors met in New York City to consider this question. The meeting was called to order in the Board of Trade rooms at ten o'clock in the morning, Dr. Pierce presiding, and your chairman was called into the meeting some time in the afternoon. After a very full discussion, but few expressed themselves as willing to adapt their business to the machinery suggested, although admitting the desirability of more effectually controlling prices under their individual contracts. A meeting of this committee was held the next day at the Fifth Avenue Hotel, a full discussion of the situation was had, and finally a sub-committee, consisting of Messrs. Faxon, Eliel and Owen was appointed to interview proprietors upon the subject of putting into effect the proposition passed by our organization at the Detroit meeting in 1893, viz., the confining of manufacturers' transactions at full discount to a list of dealers to be arrived at in the following manner:

"The committee shall issue a list containing the names of all parties who are and shall hereafter be classed as wholesale distributors of proprietary medicines. This list shall be submitted to each proprietor, who shall then suggest to the committee for their decision the names of any others he may desire to add to the list, stating his reasons with the names proposed."

As was stated in the circular issued by this committee Jan. 18, 1896, although the Association acted upon what was called the "Denver plan" at its last meeting, this committee considered itself authorized to use its discretion in obtaining so much of the plan as proprietors were willing to adopt.

This sub-committee immediately entered upon its duties, and, as you were informed in the circular above referred to, a number of the most prominent and influential proprietors agreed to adopt our suggestion, and the following have been working under it since that time, viz.:

J. C. Ayer Co., Lowell, Mass.

Dr. S. Arnold, Med. Corp., Woonsocket, R. I.  
 Seth W. Fowle & Sons, Boston, Mass.  
 Cal. Fig Syrup Co., San Francisco, Cal.  
 F. E. & J. A. Greene, Boston, Mass.  
 R. P. Hall & Co., Nashua, N. H.  
 Dr. Harter Med. Co., Dayton, Ohio.  
 C. I. Hood & Co., Lowell, Mass.  
 Hiscox & Co., Long Island City, N. Y.  
 Dr. D. Jayne & Son, Philadelphia, Pa.  
 Lawrence-Williams Co., Cleveland, O.  
 Merchants' Garg. Oil Co., Lockport, N. Y.  
 C. H. & F. L. Osgood, Norwich, Conn.  
 L. E. Pinkham Med. Co., Lynn, Mass.  
 E. C. Powers, Boston, Mass.  
 Piso Company, Warren, Pa.  
 Peruna Drug Mfg. Co., Columbus, O.  
 D. Ranson, Son & Co., Buffalo, N. Y.  
 J. H. Scheuck & Son, Philadelphia, Pa.  
 Warner's Safe Cure Co., Rochester, N. Y.  
 Wells & Richardson Co., Burlington, Vt.  
 Orator F. Woodward, Le Roy, N. Y.  
 World's Dispensary Medical Assn., Buffalo, N. Y.

A number of other proprietors, while not authorizing this committee to promulgate the information that they were working under it, have practically confined their transactions in accordance with this suggestion.

That we may not be misunderstood, it may be well to repeat here the reasons which were given by this committee why the manufacturers should confine their quantity sales to those whom they cared to designate or employ as their wholesale agents or distributors.

1. It has been stated repeatedly in the reports of this committee that after the fullest consideration of the subject of protection to retailers and after experiencing repeated failures of all the plans which have been tried, the only protection which it was considered at the present time practicable to afford them was that of uniformity of cost; hence, if the manufacturers could be persuaded to agree to confine the allowance of their largest rebate or commission to those legitimately engaged in the wholesale business, the cutter, however large his outlet, would at least be prevented

from making a profit when selling a single package at the price the average retailer is obliged to pay by the dozen.

2. Of course it insured to the wholesale distributor the protection to which the proprietors have practically conceded he was entitled during all the years they have applied these terms upon their preparations.

While all that was hoped for under this modification has not been fully realized, so great has been the improvement over the former conditions that it seems hardly probable that those proprietors who have adopted it will care to return to former methods. It is true that so far as numbers are concerned, a very large majority of manufacturers have not signified their willingness to inaugurate these restrictions in their dealings. It is equally true that a very large number of those whose articles are quoted in the official list issued by this Association as being nominally sold under rebate restrictions, do not, as a matter of fact, firmly insist upon the maintenance of their terms, and should be persuaded, if it is possible to do so, to announce to all the trade what is already known through practical experience to some, that they do not refuse the rebate nominally allowed in consideration of their prices being maintained, to those who violate them. The farcical nature of some of these term sheets can probably best be illustrated by stating that evidence has repeatedly been submitted by this committee to one manufacturer that an article which, under his terms, he nominally restricts to \$1.85 a dozen, was being sold at from five to thirteen cents a package by dealers, and that, notwithstanding such evidence, the manufacturer has continued direct sales to such cutters. The manufacturers who are honestly endeavoring to enforce their terms are naturally disgusted at being placed in such company in our official list, and hence it would seem to this committee that by a perfectly natural process the manufacturers will be divided into two classes—the one class who are in earnest in the enforcement of their contracts, taking their position with those already quoted because in no other manner can they hope for even a measurable success in the maintenance of their terms; and the other class, also quite naturally, finally dropping out of restricted terms altogether, because wholesale houses will refuse to sign their contracts when they find that their competitors or associated retailers can obtain their goods without doing so.

Probably the strongest proof that we have that under this new condition of affairs those who purpose to defy the terms fixed by the manufacturers upon their articles could not successfully continue their former prices, was furnished by the suit brought by the Parks against this Association and its members in the State of New York in May last. Channels which had hitherto been open to this concern to get the products of these manufacturers indirectly, in violation of the terms under which they were sold, were largely cut off, and when the Parks could no longer defy these several manufacturers and interfere with their interests by hawking their products about at all sorts of prices, the aid of the courts was sought to prove to these manufacturers that the claim which they had hitherto made that they had a legal right to fix their prices and to restrict their commissions to those who would adhere to their prices, was erroneous. When filing their bill of complaint (which is too lengthy to be embodied in this report, but which would make very interesting reading, if it were not,) they held that the Association and this committee were responsible for about all the ills to which the human family has been subjected since the fall of man, but finally the honorable counsel for plaintiff contented himself by praying the Court:

1. To declare that each and all of the contracts, stipulations and agreements, and the plans and methods adopted by the several manufacturers were illegal.

2. To restrain this committee from continuing to furnish information to the manufacturers as to the sources from which the plaintiff was getting his supplies in violation of the above alleged illegal contracts, and to enjoin the Association from continuing to issue or distribute, by or through this Proprietary Committee or any other means, circulars or lists of persons so buying from or selling to this plaintiff.

3. To perpetually prevent and restrain this committee from doing any other thing to advise or inform the defendants, or any of them, or any other members of our Association, or any other person or persons, of the names and places of business of any person or persons refusing to make or violating such unlawful contracts and agreements, of the names and places of business of any person or persons buying from or selling to this plaintiff, etc.

To prove that the work of this Association and this committee could properly be regarded as a conspiracy or combination,



purposely effected with the object of ruining the plaintiff's business, a voluminous affidavit was made by Mr. A. R. Park, submitting copies of a very large number of letters received by his concern in the natural course of business. In addition to this, the counsel for the plaintiff submitted to the court a "brief" covering thirty-nine pages of closely printed matter, so that the learned Judge, in recording his decision, referred to the evidence and argument as a "mass;" and it is really a matter of surprise to the chairman of the committee how quickly, and with what unerring judgment, the Judge brushed aside all that was immaterial.

A decision was rendered by Judge Russell September 8, which is summed up in a letter received from Mr. Ward, of Robinson, Biddle & Ward, our New York attorneys in the case, the day after the decision was rendered; in the following words:

"The Judge affirms the right of each manufacturer to agree with his customers that his goods shall not be sold under a certain price, and also his right to refuse to sell to any customer for any reason, and also the right of the Association to collect and circulate information about the way the plaintiff did its business, and about any breaches by other wholesalers of their contracts with the manufacturers."

Which, it will be noted, as already stated in my circular of September 9, confirms the legality of the position which has uniformly been taken by this committee, and confirms the correctness of the legal opinions heretofore given us by counsel (Messrs. Jayne and Johnson), and enjoins this committee of our Association, and the several members of our Association only from doing those things which the plaintiff claimed had been done, but which our record clearly shows we never have done in the past and do not propose to do in the future.

The hearing for a preliminary injunction, first fixed for May 26, after several postponements, was finally had on June 26, 1896, before Judge Russell, of the New York Supreme Bench, and our organization, and the several defendants, members thereof, were represented by Messrs. H. LaBarre Jayne and J. G. Johnson, of Philadelphia, and Messrs. Robinson, Biddle & Ward, of New York, of which firm Mr. Jayne is a member. In addition to these, several of the defendants were represented by individual counsel, notably the Himrod Manufacturing Company, who were represented by Mr. Spink.

It is not necessary that we quote here in detail much of the matter submitted by counsel for the plaintiff at this hearing, and yet it may be well to quote one or two of the letters to which reference has already been made as being submitted by Park, without using any names, partly for the purpose of demonstrating the correctness of the opinion expressed above in this report to the effect that some of the proprietors selling under rebate restrictions are not sincere in carrying out this plan; but principally for the purpose of showing that in order to let Park down easy in declining his orders they assigned reasons which, if true, might properly be considered as evidence to prove that our organization was, to some extent, at least, to blame for the Judge's reservation of a decision upon the dissolution of the injunction in one particular, and the reference of that to a future trial, when witnesses may be called. The Judge's language, in referring to this, is:

"I am not ready to find from the mass of documentary and other evidence furnished me that all of the defendants by means of the Druggists' Association, have combined themselves to carry out such an unlawful purpose."

If the plaintiff presses for this suit, it can readily be shown upon cross-examination how little ground there is to support this claim made by him.

For example, one proprietor wrote to Park: "We find we are compelled to decline further shipments to you in order to meet the wishes of the N. W. D. A."

Another proprietor wrote: "We only keep ourselves in hot water with the N. W. D. A. if we continue to fill your orders; hence we must decline them."

Another writes: "We are obliged to refuse shipping you our goods owing to clauses of agreement with the N. W. D. A. of which all the members are endeavoring to have a uniform scale of prices adhered to."

Another one writes: "We are compelled to act in accordance with their (the N. W. D. A.'s) suggestion."

Let us for a moment analyze these reasons here assigned as they would probably be analyzed if this matter should come to a trial.

The first proprietor would admit, we feel sure, that he did not refuse the shipments solely and only, or even largely, to meet the wishes of the N. W. D. A., but because he knows that his own interest are best served by protecting the wholesale distributors, of



whom he wants as large a number as possible, and many of whom, of course, are members of N. W. D. A.

The "hot water" referred to by the second proprietor is more likely to be caused by the writer's conscience than by the N. W. D. A., to which it is convenient, in this connection to charge it. When a man takes the position publicly that he will refuse his goods to those who violate his terms, and then privately continues to furnish them to such parties, it is the discovery of his methods that raises the temperature of the water, rather than the association whose committee makes the discovery.

The third proprietor, carelessly using the expression that he refuses owing to clauses of agreement with the "N. W. D. A.," would experience great difficulty in finding such an agreement, because as a matter of fact it never existed. It is not necessary to say to the members of this Association, but it may be important to say it as a matter of record that there are not now, and never have been, any agreements between proprietors, members of this Association, and this Association compelling them to do anything. Membership in this Association is voluntary. No one is bound by its action, and no one has ever been expelled for refusing to adopt the plans which this organization may have indorsed, however emphatic such indorsements may have been made; and hence the fourth proprietor's remark that he is "compelled" would also, upon a closer analysis, have to be retracted, because it would be impossible for him to state how and where and when he was so compelled.

To sum up, the reasons assigned are not the reasons which govern. The judge, however, appears to have placed a proper valuation upon these rather carelessly written letters, which he found in company with one, for example, stating that the writer had been notified that Park had been "expelled from the Association for cutting rates," when, as a matter of fact, Mr. Park has not honored the organization by seeking membership therein since it was made a national organization.

As a proof that the reports furnished by this committee to proprietors concerning the underhand methods used by the parties who were reported from time to time as ordering goods in Park's interest were correct, the committee believes it may be well to quote a few of the letters kindly furnished by the plaintiff, the names of the writers being, for obvious reasons, omitted.

No. 1. "We inclose your letter from Kline to ———. Do not think that we can get any more through this source of Scott's emulsion. If you can send a lot of the large size through some of your parties, do so. We will have to wait a while before ordering through some other source here, until their suspicion quiets down to some extent. It seems that the Wholesale Drug Association of Indiana have centered all their suspicions on us, and every order that is sent from ——— is referred to Kline from any one outside of our competitors. Ship Scott's emulsion as soon as you can, as we are out."

No. 2. "We have made application to Kline to be reinstated. We inclose you his answer. He says in his letter that there is a project on foot to readjust matters for the means of all patent medicine men, and throw out entirely all firms who have been unreliable. Have you heard anything about it?"

"They seem to be watching this point very closely, and they have got onto us through here or Cincinnati. Guess we had better try Innes & Co. again. We do not care very particularly about it if they do know we ship you goods; but we are afraid it has a tendency to draw the lines on those manufacturers who still sell us. Harter, of Dayton, refused us the other day. We are making a bold fight in this matter, but to a disadvantage. Have you anything to say regarding our present course, and please return the inclosed papers."

"We are out of hair vigor, and have not heard from Ayer yet. We sent him an order for five gross a week ago, but have had no reply."

No. 3. "We are just in receipt of the inclosed letter from J. C. Ayer & Co. This is a very hard hit. You will notice that they refuse to ship us any more goods, but give us time to fix matters up with the manufacturers. Guess we had better go in and sign, as we can hardly let the Ayer & Co. go by. It would mean a big loss to us, as we make considerable by doing their commission business. Please give us your views and return Ayer's letter. We have made a bold fight but fear we will have to give in. Please return answer and letter at once. We have ordered the aristol and phenacetin, and will forward upon arrival—that is, if we get it."

No. 4. "Yours in regard to us ordering Ayer's and Pierce's goods received and noted. In reply we will say we are almost afraid to order so many goods direct all at one time. If we could do all this quietly, it would be a great deal better than to do too much now and be found out. We are very sorry that you sent our letter to ——— at ———. As we have been shipping in your name from here, the parties could not know about us, only you sent our letter head to them. We are afraid that the gentleman from Philadelphia will find out all this, and that we will be cut off, like ——— were. If however, you think it will be all right, you may send draft and we will order."

No. 5. "Inclosed find Piso order turned down, and I believe they are investigating us from other sources, and under the circumstances we will have to quit ordering any more goods, any way for the present. Will remit all we owe you next week."

Probably the most remarkable document, however, submitted by the plaintiff's counsel to the court was the affidavit made by A. R. Park subsequently to the hearing on June 26, but quoted in the brief submitted to the court by Gen. Swayne, in which Mr. Park alleges as follows:

Referring to an agreement he entered into with certain of the proprietors at a meeting of the Manufacturers' Association held in New York City May 13, 1896, that he inserted in this agreement the words "any contracts we may hereafter sign," with the distinct understanding that no contracts were thereafter to be required by the manufacturers; and he then alleges that "the said firm did not thereafter execute any contracts with any proprietor, but that on a few occasions this plaintiff, a corporation organized since that time, has signed contracts, at the instance of some few of the proprietors, for the express purpose of protecting them in their standing with the N. W. D. A., and with the mutual understanding that the business methods of this plaintiff would not be changed, and that said contracts would not be enforced or their observance expected, in so far as it would conflict with the rules upon which this plaintiff has always conducted its business."

We need only mention that the above agreement was expressed in a letter addressed to Dr. F. Humphreys, then the president of the Manufacturers' Association, and was accepted in the meeting upon the motion of Mr. Bigelow, and had the approval, among others, of such men as Mr. Colgate, Mr. Main and Dr. Pierce; and that contracts are on file with this committee, entered into with such proprietors as H. H. Warner & Co., F. E. & J. A. Greene and C. N. Crittenton Co., subsequently to that date, to show the absurdity of the statement that this letter and these contracts were accepted under any such "mutual understanding."

In another part of this remarkable affidavit, we find the statement that "no complaint has ever been made by said Proprietors' Association of the action or course of business of said firm or of this plaintiff; and that no further action has been taken by said Proprietors' Association against this plaintiff on account of any alleged breach of contract, either with the Association or any individual member thereof."

In an affidavit to controvert this remarkable statement, your chairman simply submitted to the court extracts from the minutes of that organization to prove to what length the plaintiff had gone, in attempting to establish his case, along with the Court's opinion, and we attach copies of these papers for that purpose.

These matters are not cited here for the purpose of bringing obloquy upon the plaintiff, nor is anything in this report written with any unkind feeling. The records are made up, the decision rendered practically indorsing all that proprietors, or this committee, or this Association, through its committee, have hitherto done.

We are indebted to the plaintiff in this case for removing the doubt which hitherto existed in the minds of some as to the legality of these contracts, and in our future work we are very much strengthened by being able to cite the opinion of the court in justification of our action, instead of the opinions of counsel; and we herein beg to acknowledge our appreciation of this service rendered by the Cincinnati concern.

We therefore close this part of our report with the hope that the plaintiff, having now been furnished with the Court's opinion as to the legality of these contracts, will cease this useless and most expensive opposition, and will agree with each manufacturer who believes that his best interests are served by continuing this system to seek and accept an agency for his goods under the only conditions under which they are sold to wholesale dealers. We further express the hope that the Cincinnati firm will see this matter in its true light, and appreciate that its business has not been interfered with by reason of any combination or "boycott" on the part of its competitors; but if there has been any interference, it has been solely due to the refusal on their own part to comply with the conditions imposed by those whose goods they seek to handle. We can hardly understand how it can be possible, after this decision, for them to persist in their mistaken course; but if they do, we presume that manufacturers will refuse, as they have in the past, to recognize them as safe and desirable distributors of their preparations.

Thus far we have referred to that part of the Judge's decision which is favorable to our side of the question. It is exceedingly important, however, that we do not forget that the injunction has been continued so far as (to quote the language of the Judge) "enjoining the defendants for conspiring or combining together, or

with any other person or persons, to prevent the plaintiff from freely purchasing proprietary drugs and medicines or other goods, or from freely selling proprietary drugs or medicines or other goods to persons who may desire to purchase."

To make this plainer, while the Court has declared that the proprietors' contracts are legal, and that the action taken by this Association, through its committee, in watching the plaintiff's business, or that of any other wholesale dealer, who may be suspected of violating agreements, is also legal, it would be illegal for two or more proprietors or members of this Association to enter into an agreement to refuse the orders of Park or any one else, or to enter into an agreement to prevent, under such agreement, Park or any one else from purchasing any goods which an individual manufacturer may be willing to sell them.

The doubt with regard to the legality of a part of the defendants' action is, as a matter of fact, not due to steps taken by our Association as such, or by its committee as such, but is entirely due to unwise action taken by individuals, members of our Association in some cases, or by local Association for whose actions our organization can in no wise be held responsible; and we feel sure that these matters need but be fully elucidated by our counsel in explaining the scope of the Court's opinion, which is now in our possession, to prevent any further such errors of judgment.

It has seemed to the committee that the argument for the defendants, made at the hearing of this case, contains so much that will be of value in our records that we recommend that it be printed in full in this copy of the proceedings.

The expenses incurred by this committee have been considerably less than the year before, because we succeeded in lopping off much which was more or less experimental during the first year. Mr. Bower was attached to the committee, and we were also able to direct the work from the office in Philadelphia without spending very much in traveling expenses for the secretary or the different members of the committee. The efficiency of our work has been fully maintained. Of course, the calling of the meeting of the committee to act upon the conclusions by the proprietors at their meeting in New York in November was a large item of expense, but the result of that meeting was so beneficial to our members, that we feel sure no criticism can be made of having called the members together.



The future work of this committee will be, as we now interpret its scope under the decision of the court, very similar to that of the past. The success of the rebate plan depends, as was so aptly stated by Mr. Coffin of this committee in a recent communication to the chairman, "upon the good will and personal interest of those interested therein, and does not rest upon any legal basis." "It is my opinion," he states in this letter, "that work of this committee is to strengthen, as far as possible, the proper feeling between the proprietor and the jobber, and to lead the former as far as possible, to recognize his dependence upon the jobber for a satisfactory distribution of his goods."

Of course it would seem as if the first step necessary for the future would be to ascertain from the individual proprietors, who have hitherto been selling under this system, whether they believe that their best interests will, in their opinion, be served by continuing their loyal support of the system. Quite a number, it is believed, as already intimated in the earlier part of this report, will naturally drop out, because their actions show that while they are willing to announce that their goods are restricted, the moment the question of enforcing their terms presents itself they cannot see their way clear to take action. Such proprietors cannot expect that dealers will take their terms as serious, and the prices of such articles will certainly be irregular. On the other hand, much that is deserving of criticism is done by some of the wholesale distributors, and while in the aggregate, the number of those failing to properly reciprocate the protection afforded them by proprietors is small, their actions are so continuously referred to in correspondence with the committee upon this subject, that the noise made about this defection is very much greater than the performances themselves, and does not, upon the whole, furnish anything that is necessarily alarming. But it is a fact that considerable indifference exists in some important quarters in the matter of giving this committee, in matters acted upon by our Association and committed to its charge, the active and hearty co-operation which existed in the earlier history of the rebate plan. If these actions are to be interpreted to mean that the houses which have taken themselves outside of our ranks are convinced that, upon the whole, the rebate plan should be discontinued, it is safe to conclude that their lead will very soon be followed by others, and the usefulness of this committee will necessarily come to an early end. If however, their course is



due to the fact that this committee, in its work, is not doing that which commends itself to the judgment of the leading houses in our business, then, of course, it is exceedingly important that the policy of the committee should be changed in accordance with their ideas. No court decision, however adverse, could injure us in the success of our efforts to encourage proprietors to continue the restrictive system half as much as a manifestation of indifference on the part of the larger houses handling these goods; and, on the other hand, no court decision, however favorable, can supply this deficiency. It is suggested, then, that a consensus of opinion as to the proper course to be followed in the future should be had, either at this meeting, or if not a sufficient number of wholesale druggists are present at the meeting, then, by correspondence immediately after adjournment, and that the committee ascertain, before taking any further steps, whether the majority of the trade is in favor of its continuance and will support those proprietors who mean to continue it or not.

One of the difficult questions which have presented themselves to the jobbers during recent years is what course to take regarding orders presented from retailers who are known as aggressive cutters. When the cut rate evil first started the proper answer to this question was readily arrived at. Now that cutting has become the rule, and not the exception, every one recognizes that the difficulty of drawing the line is not only much greater, but that a declination to have any dealings with those who may be responsible for the cut rate evil is absolutely fruitless; and hence it is that since 1893 this committee has confined its recommendations largely to securing uniformity of cost to retailers, without attempting to draw the line as to who should be sold by our members, and who should be refused. This, however, is not understood by many of our retail friends in some quarters, and consequently, charges of bad faith are frequently made against jobbers, which, upon investigation, it is discovered are not only not well founded, but are absolutely unjust. To the credit of the wholesale druggists it must be said that an overwhelming majority for years, loyally refused to have any dealings with those who introduced the cut rate system, but when it became apparent that such action in nowise interfered with, the continuance of cutting or with its spread, they, as merchants, while thoroughly honest and in earnest in their desire to prevent this trouble, felt that the refusal of such orders simply meant a

shifting of the source of supply from their establishments to that of a rival, who, most probably at the outstart of this innovation, aided, abetted and encouraged the cutting, and consequently dealers have been forced to change their policy in this regard. For example, the refusal on the part of the Boston jobbers, in prompt support of the active measures taken by the New England druggists, of all intercourse with the cutters, simply transferred the source of supply for the time being from Boston to some rival city, without in the least stopping the aggressive cutters in their course, but, on the contrary, making them more offensive in their advertisements and actions. Reference to this is made here because the committee feels sure that the course of some of our members in this particular is very largely misunderstood and undeservedly criticised. So long as the jobber honestly adheres to the rebate restrictions in his transactions, and so long as the manufacturer does not honor the cutters' orders direct at largest discount, no injustice is done, under the rebate system, to any retailer under present conditions, particularly as they exist in the larger cities, by making such transactions.

In order to bring out some information which the chairman thought might be of value in this report, the members of the committee were asked a number of questions, before proceeding to write the report, with the following result:

Question No. 1. According to your information are the rebate prices and terms being fairly well maintained in your territory?

In response to this question, of the thirteen members of the committee representing the various sections of the United States, twelve reported that, upon the whole, they were fairly well maintained. The member from Chicago, however, took the trouble to correspond with representative houses interested in the territory tributary to that city, with the result that many complaints of violations in certain quarters were developed, involving also the St. Louis market. This latter alleged defection was also referred to in the answer of the member from that section.

Question No. 2. Do you believe that many proprietors, whose goods are sold under rebate terms, are filling orders direct from retailers at largest quantity discounts?

The answer to this question elicited the information that many proprietors were still filling orders direct from retailers, but in connection with the answers to

Question No. 3. Is there any increase in the purchases by retailers for division in any part of your territory?

It would appear that, upon the whole, the purchases of quantities by retailers have been very much lessened, which is not so much due to the refusal by the manufacturers to honor these orders, as to the stringency of the times and the inability of most of the retailers to command the capital necessary for such purchases. This, it appears to us, emphasizes more than ever before the importance of proprietors all doing what a large number have been doing during the last year, because it practically reduces the class who benefit by these direct purchases to a small number of large cutters in large trade centers, and to the department stores.

Question No. 4. Is the sale of proprietary goods measurably decreasing, and do you believe that the co-operative manufacturing among retailers of articles to take the place of proprietary goods is responsible for any portion of such decrease in the sales of regular articles, if any?

The answers to this question show that in most sections the sale of proprietary articles is not decreasing in any larger proportion than the general decrease in business owing to the prevailing depression, and that co-operative manufacturing has not, so far as heard from, made any perceptible inroads upon the jobbers' business.

While this committee is aware that, as a rule, obituary notices do not come within its province, and that the death on May 18, 1896, of Mr. E. A. Bigelow, who for so many years served upon this committee, has received due notice from our regular committee on such notices, and in the President's address, yet we regard it as proper to introduce here a reference to this sad event, and the chairman believes that it is fitting that he should repeat what was sent by him to the editor of the "Oil, Paint and Drug Reporter" on the day that he was advised of the death of Mr. Bigelow, as follows:

"I have known him intimately for fourteen years, and a more high minded and conscientious man I never met with in my circle of acquaintances during my business career. He deservedly enjoyed the highest esteem of all in the drug trade who came in contact with him, and in his death we have met, in the drug trade, in our Association and on our committee, with a loss which cannot be repaired. The committee has long been honored by his consenting to serve as a member thereof, and many a time has he, at great

personal inconvenience, met its members and guided us with his wise and judicious counsel, always most modestly expressed. One of 'nature's noblemen' has gone hence, but he has left behind an example which we will do well to emulate. All honor to the memory of E. A. Bigelow."

The effort to uniformly maintain the 10 per cent. advance charged on sales in less than one-quarter dozen lots, in accordance with the restrictions in contracts adopted by some of the proprietors some years ago, became more and more feeble, until finally it was thought best to ask the manufacturers to drop this part of their contracts, as its non-enforcement on the part of many dealers was calculated to bring the entire plan into disrepute. This committee corresponded with the various proprietors, who, with a few exceptions, dropped out this part of their contracts, and our committee, in a circular dated July 8, 1896, so advised the trade.

Mr. George B. Bower, who had very efficiently served this committee in the capacity of its secretary since November, 1893, was in July last tendered a position with the J. C. Ayer Company, which he accepted, resigning his position with our committee, to take effect August 1. Mr. Bower's resignation was not tendered until about ten days prior to the first of August, and as he wished to take his new position on that date, the chairman had to act without having time or opportunity to consult his associates; but we were fortunate in promptly securing the services of Mr. Joseph E. Toms, who has very acceptably filled the position in the interim, and whom your committee very strongly recommends to the incoming Committee on Proprietary Goods to perform the duties which have heretofore devolved upon the secretary of the committee.

This committee begs to express its appreciation, and that of the wholesale drug trade, of the valuable services rendered the committee by a large proportion of the manufacturers of proprietary articles in all the efforts which have been made to prevent violations of contracts and other unbusinesslike methods constantly attempted by "guerrillas," who, while lacking the brains and capital of the Cincinnati concern, make feeble efforts to imitate their practices, believing that they can build up a business under the same methods, which in most cases rest on no better foundation than irregularity.

We also acknowledge the services rendered the Association and this committee by the various trade journals, which have, as

a rule, given us their valuable assistance in disseminating information and in holding up our hands in all efforts for the common good.

Respectfully submitted,

M. N. Kline, Chairman.

MR. KLINE—I feel that I have already occupied a great deal of time in the reading of this report, but it is due the Association and myself that I should say what I intended originally to embody in the report, but which, upon reflection, I concluded it would be better for me to say, not in the report, but in connection with it, and that is, taking everything into consideration which has come to my notice, as chairman of this committee for the past nine years, however much I may have been and am favored with the confidence of the members of this Association, I think it would be better for the committee to have a change made as to its chairmanship. I had fully decided upon my course of action, and nothing, I am safe in saying, would have induced me to change that decision had the Court, in deciding this case, entirely dissolved the injunction. My course in that event would have been clear, and I should have absolutely and positively refused to continue in the position of chairman of this committee. As already stated, I am fully conscious of, and appreciate very deeply, the expressions of confidence which are given from time to time at our annual meetings in connection with the consideration of my reports, but it may not be out of place to state that in the interim between the meetings, there are many circumstances coming to the notice of this committee which indicate that there is considerable friction and feeling in certain quarters which I feel sure might be obviated if there was a change in the chairmanship of the committee; and I



am sure that the plan itself would undoubtedly receive additional and more uniform support if the incoming president should make a change. The Court's decision leaves one matter unsettled, however, and therefore I am free to confess that my course is not as clear as I had hoped it would be. I have never sought this position; it has been more of a burden to me than I think most of the members can possibly appreciate; has subjected, and is subjecting me all the time to a certain amount of criticism which is not in all cases particularly pleasant; and there is at least sufficient evidence of dissatisfaction in certain directions which ought, if possible, to be healed.

I can only say, under the circumstances, what I have said before, that if it is believed the work which is usually referred to this committee can be more successfully carried on by a new committee, I trust that the members of this Association will use their influence with the incoming president, and will not for one moment hesitate to recommend a change. The day when I can be relieved of the duties of the chairmanship of this committee will be one which I will welcome. Meanwhile, I must repeat that I have felt and do feel thankful for the confidence reposed in me during all the years I have had the chairmanship, and that if almost unanimously the wholesale dealers of this country believe that the work should go on as it is, I shall have to decide, I presume, under present conditions, to remain at its head if it be so desired. (Applause.)

MR. KELLY—I do not know but that I am out of order in rising to say a few words with reference to the closing remarks of our friend, Mr. Kline, with whom I have acted in this committee for many years,



having preceded him as its chairman. No one, Mr. President, has been better aware than myself, next to the present chairman, of the onerous duties connected with this committee. No one, I believe, understands any better the special difficulties which necessarily arise from day to day in these special cases, and yet, I am free to say I have not heard any expression of disaffection. There may have been some difference of opinion with reference to certain points.

The chairman has spoken as if he had heard something of this kind, and I am fully aware, sir, that he has been willing for sometime past to resign this position if any one would accept it and carry it on with vigor. Mr. President, I have urged Mr. Kline for several years past to insist upon his being released from this position, because, as I have said, I fully understand its onerous duties. There can be no question about it, and I believe the members of this Association understand pretty well how constantly this matter has been upon his mind, or would be upon the mind of any chairman who should undertake to conduct the affairs of this committee. Mr. President, as I know from experience, in the course of time, it takes the precedence of a man's own personal interests and business. It looms up before him constantly, and is about the first thing that strikes his mind in the morning, and the last thing he thinks of before going to bed. I have urged my friend from time to time, and said to him, "Now, when there is a convenient time, let some one else take hold of this position." I thought possible that this year might be the year; but, Mr. President, this is not the time in my opinion, and I believe in the opinion of the

other members, for us to change the chairmanship of this committee which has been conducted with such eminent ability and with such fairness, and which is so intimately connected with the success and perpetuity of this Association. At this time it needs his skillful hand, his experience and knowledge of the facts. It would take any man in this Association a very considerable time to become thoroughly acquainted with the details alone, and, therefore, Mr. President, I know that my friend will pardon me for offering this protest. I do not wish to say words of praise. This Association has from time to time manifested its approval of his wise conduct of this committee, but I rise now to protest against his resignation at this time, and to express my earnest hope that he will consent to continue at least until a more convenient time arises, when he can let go. (Applause.)

MR. ROBINSON—As my friend, Mr. Kelly, has said, I do not know whether I am in order at this time. Mr. Kelly has expressed so much better than I can express my feelings in reference to the admirable way in which our friend, Mr. Kline, has managed this matter, the most important in connection with the work of our Association. I believe we ought right here, and now, insist upon Mr. Kline, as far as we have a right to insist upon it, continuing this work for at least another year. If I remember correctly under the order of the Association, the chairmanship of this committee is elective, the chairman being elected by the convention itself. I think that was the method of procedure at the last convention, and I want to move now that Mr. Kline be elected the chairman of this committee for the ensuing year; and in submitting that motion I want to say, as a mem-

ber of this Association, that it is most selfish of us to ask the performance of this duty by him for a longer term. As was stated in the address of the president, and Mr. Kline has reminded us in his report, he has served the Association faithfully for nine years in a position, which, I am free to say, I should not like to occupy; and I believe there is hardly a man on the floor who would have performed the duties as Mr. Kline has performed them during this whole period. I do not want to say anything that has a semblance of flattery, but as a member of the Association I do not hesitate to say, that there is no man or set of men in this organization who has done more for the good of the individual members and the advancement of the Association than Mr. Kline has done. I think it is due him that we should elect him and elect him now, without going through any formality or putting the matter off a moment longer, and leave it to his own judgment as to whether he feels that he can afford to surrender so much of his valuable time for the benefit of the Association for another year, or, whether he thinks it wise to lay down the cares of this office. I move that Mr. Kline be elected chairman of the Committee on Proprietary Articles.

MR. MYERS—Mr. President, in rising to second the motion, I wish to confirm all that was so well said by Mr. Kelly and Mr. Robinson. I was the chairman of the committee which preceded Mr. Kelly's committee; Mr. Kelly followed me, and then came Mr. Kline. We are, therefore, both very familiar with the arduous duties imposed upon Mr. Kline, and I wish to say, Mr. President, that if the Angel Gabriel had filled the position he would have been

found fault with. So Mr. Kline must make no note whatever, of criticisms made during his long administration. Again, Mr. President, I want to urge that he retain the position for another term, for the very good reason that the poorest time to swap horses is when you are in the middle of the stream. We must cross to the other side of this litigation before we can part with Mr. Kline's services.

MR. KLINE—With reference to this pending motion, I want to say, that the report which I have just read, is, as you have probably observed, at present without any recommendations or anything for the Board of Control to act upon. A year ago, when this method of electing the chairman by the Association was adopted, this action was taken in connection with a plan which has practically since, with the exception of one feature, been abandoned; and it is, therefore, a question which I think this Association should take very seriously into consideration, whether they care to act upon the spur of the moment on the proposition; or whether it would not be wise to let the resolution of Mr. Robinson lie over until the adoption of the report submitted, at which time I shall have ready some resolutions.

I think it may be as well, before we go to lunch, to refer to a legal document which I hold in my hand and which has just been served, coming, as I am told, from the Court of Common Pleas, Part IV., in an action by the John D. Park & Sons Co. vs. J. C. Eliel and others. This would indicate that we certainly are in the middle of the stream, and it is very important that whatever we do at this time, every step should be carefully considered. The attorneys whose names appear on this summons,

Messrs. Read & Pettit, are men who stand very high in legal circles. Mr. Pettit is the President of the Union League.

MR. WELLER—The East and the South have been heard from in regard to the chairmanship of the Proprietary Committee, and the West will certainly fall in line and endorse everything said regarding the administration of Mr. Kline. I think, however, at this time, it would be better not to pass the resolution offered by Mr. Robinson, but let the matter lie over until the regular election of officers. This office being an elective one, can come up when the other officers are elected. I think it is the voice of every member of this Association that Mr. Kline retain the chairmanship of this important committee. I do not think there would be a dissenting voice. I move as a substitute for the motion now pending, that a vote of confidence in Mr. Kline and his administration be tendered by this body. (Applause).

MR. ROBINSON—If you will allow me in deference to Mr. Kline's expressed wish, I will withdraw my motion.

MR. QUEEN—You have heard from the wholesale dealers in regard to Mr. Kline's services to the Association, and as a proprietor who believes in strengthening the rebate plan, I wish to say, that I believe we cannot get along without Mr. Kline. He has more knowledge and experience in handling this matter, than any one else connected with the Association. We have men of great ability in the Association, but very few who would be willing to give the valuable time which Mr. Kline has given to us. I would, therefore, heartily approve of retaining Mr. Kline and doing all in our power to strengthen the



contract plan, and keep it at the same time within the limits of the law.

MR. REDSECKER—You have heard from the wholesalers and proprietors, and if you will permit a retailer to say a few words I will be obliged to you. I am proud to say, I possess the confidence of Mr. Kline to the fullest extent, and I know a great deal of the work he has done on this Proprietary Committee. I do not think any man has done more to prevent the cutters from getting goods at a lower price than the retailer can get them than Mr. Kline. And I think that his retention on this committee would be a very satisfactory thing to the retailers. They appreciate the services that Mr. Kline has rendered, and have great confidence in Mr. Kline; and I am only too glad to second anything that Mr. Kline says or does. In our State Pharmacutical Association, anything that Mr. Kline says, I always say; it does not matter what it is, whether right or wrong; if he is wrong, I will stand by him. I am glad to hear this expression of confidence from you gentlemen assembled here, from all parts of the United States, directed toward a member of our State Pharmaceutical Association, a gentleman whom I know and esteem and honor as a friend. I am glad to have this expression, and glad to add my small mite of testimony to Mr. Kline as a man and as a business man.

MR. THOMAS LORD—I would like to express a thought I have in my mind in regard to this expression of confidence in Mr. Kline. I have not been entirely ignorant of this matter. I have had the honor of being appointed chairman of the first Committee on Proprietary Goods, some twenty



years ago. The point I had in mind in rising was this: That the expression of confidence in regard to Mr. Kline be given by a rising vote, if it is accepted by the original mover.

Mr. Weller accepted the amendment.

THE PRESIDENT—I regret that it is regarded as necessary that we should pass at this time, or any time, a vote of confidence in our fellow member, Mr. Kline; but as that seems to be the sentiment, I trust we will have a unanimous expression favorable to the motion.

The motion was put and unanimously carried.

MR. WELLER—I move that the report presented by the Proprietary Committee be received and take the usual course.

THE PRESIDENT—Unless there is objection, that will be considered the order.

THE PRESIDENT—We will now have the report of the secretary.

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### SECRETARY'S REPORT.

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MR. PRESIDENT and Gentlemen—On a review of the year just closed, I find there is little of interest to communicate from my office, and a brief report will be submitted.

Measured by years since we met in this city in 1885, we find great encouragement in the combined results of a business organization which has been so successful in the maintenance of the declaration of business principles to which we subscribed, and the formation of social ties, which so largely contribute to the foundation of individual friendships, and much to encourage in continued organization.

If I were to recall the condition of the wholesale drug trade prior to 1876, with all the elements of discord which marked complete demoralization, I think not a vote would be given for the dismemberment of an association which has accomplished so much, and whose commanding position to-day attracts to it the high

consideration and respect of the older commercial bodies of the nation.

In the report of Committee on President's address, submitted at the last meeting, the recommendations suggested regarding the publication of the annual report were carried out. In consultation with the chairman of that committee—ex-President Noyes—I obtained estimates of printing from four large firms in St. Paul and Minneapolis, and the awarding of the contract to the lowest bidder was approved by the chairman, and six hundred copies were published; and the reception of the report by the members, in durable and attractive form, will suggest its preservation for future reference. I have still a supply of Association reports from 1881 to the present year, which I can furnish to members who may desire to complete their sets.

I am still able to report, as I have for many years, that there is no diminution in the membership each year. The report of Membership Committee, at this meeting, with its list of applications, will show considerable increase of members after deducting all resignations. This should be a matter of great gratification, especially to those members now present, who saw the conception of this great organization in 1876, and who, by their intelligence and wisdom, have since aided and directed its management; and the seal of our Association will ever be an appropriate symbol to their memory, when those who follow them in business life shall read above it, the significant sentiment, "They builded better than they knew."

During the year, I have received several communications from local organizations in different sections of the country, interested in the advancement of special interests by the national Congress. While some of them were of a semi-political character, I have abstained from compromising the Association by any expression of my own individual convictions. These publications have been properly referred to the chairman of Legislation Committee, who will give them due consideration.

I have recently received from the Treasurer a list of such firms as have become delinquent by non-payment of annual dues covering a period of two years. While the number is not large, and in only a few cases has there been extreme enforcement of Article VII. of the By-laws, it is nevertheless a matter of regret, that I have to report a single case in either lists of the membership, considering the high character of the firms composing the organization and the insig-

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nificant amount of the annual dues. If each firm would bring this matter home to the business requirements of their own office I am quite sure they would not disregard the obligations of business courtesy at least, which they assume when they ask admission to this body. It is presumed they are fully cognizant of the requirements of the constitution and By-laws governing the Association when application is made for membership.

The reference I make to the delinquent list, I would not limit to that alone; and I ask the indulgence of the convention to a further consideration in the matter of the general collections. While the treasurer of the Association occupies an honorable position in such a body as this, it should not be forgotten that the duties of the office are very laborious. And when you recall the fact that this great service has been rendered for over twenty years by a member of one firm without a dollar of remuneration, we should, I think, be very careful not to place upon him unnecessary labor and expense. A notice from him that on a certain future date the collection will be due, or a draft made upon the firm for the amount, should be as carefully observed as the payment of a note in bank. The frequent drafts which he is compelled to make for such a small amount on firms who would not hazard their business reputation in a purchase of goods, are very unpleasant, expensive and embarrassing. It was hardly to be expected that the action of the Assessment Committee, as provided in the constitution to meet extraordinary occasions, should perform their duty without a single failure of any firm in the designated active list to promptly meet the assessment made by the committee. To the few, who were not familiar with the enlarged expenses assumed by the Proprietary Committee, it very naturally suggested a hesitation to accept the draft of the treasurer, following so soon the collection of their annual dues, and especially as those firms were in no way interested in the handling or sale of proprietary goods. In such cases the adjustment was easily made without any infraction of constitutional obligations, by transferring them to the associate list. To the many, who promptly and willingly met the call upon them, and would only measure the amount, by the necessity which occasioned it, is an assured conviction of mutual benefit and interest which they so significantly confirm.

The report of Committee on Memorials of Deceased Members, will fully inform you regarding those of our members who have departed since our last meeting. At the suggestion of the chair-

man of this committee, I have during the year compiled a list, as I believe, of all our deceased members from the date of the organization of the "Western Wholesale Drug Association," in 1876, to the present time, giving the date of their election to membership and the year of their death. The perusal of this list, as it will appear in the published proceedings of this convention, will call to mind many old and esteemed friends who were especially active in the early history of the parent organization, in conceiving and directing this great plan of association, which to-day is largely instrumental in removing the friction of competition, and adjusting methods of business to a plane of higher honor and dignity, and withal, holding in its membership with cords of mutual affection and regard an exceptional body of intelligent, successful and distinguished merchants of this and other countries. In the list to which I have referred, as also in the report of the Obituary Committee, will be found the name of one who was present at our last meeting, active and influential, as in many years before, in consultations of committees and discussion on the floor of the conventions. He was suddenly called away in the quiet of his home, and the modest gentleman, whose presence always suggested an influence for good in any affairs of the Association which required thoughtful and intelligent consideration, has passed to the 'other side.'

I shall not at this time make any reference to the legal contest in which the Association has been involved, as it will receive due consideration in the address of the president and Committee on Proprietary Goods, through its able and heroic chairman, except to say, it is a matter for congratulation that when the honor and integrity of the Association is assailed, it finds in the loyalty of its membership a steadfast fidelity to right and law, and accepts with profound gratification a just decision of courts, against the persistent and demoralizing selfishness of antagonistic interests.

Respectfully submitted,

A. B. MERRIAM, Secretary.

THE PRESIDENT—Unless objection is made the report of the secretary will take the usual course.

On motion the meeting adjourned until 3 o'clock to accept the invitation of the Philadelphia Drug Exchange to visit its rooms at the Bourse.

## AT THE BOURSE.

The meeting was called to order by Mr. Hance, who said:

Gentlemen—It is my pleasant duty to welcome the members of the National Wholesale Druggists Association to the rooms of the Philadelphia Drug Exchange; a business organization whose name is familiar to all of you; one that is now in the thirty-sixth year of its existence, and with an honorable career that has benefited alike its own membership and the drug trade generally throughout the United States.

It is, I think, the first drug trade business association that was organized in this country. Its success and prosperity have been continuous. Its management has always been prudent, energetic and conscientious. Lasting friendship have been formed, and the rough paths of business have been made more pleasant and easy to follow through its agency. Its example of friendly trade association has gone out over the land, until we now find business rivals, from all sections, meeting yearly as a national organization in friendly intercourse, to consult upon matters concerning trade interests. Thus, through loyalty to trade friendships, are confidences inspired and business benefits secured.

May your organization continue in prosperity, as it surely will if you maintain in the future, as you have followed in the past, the principles of friendship, generosity and loyalty to trade interest.

Your first generation, that of the organizers of your Association, is passing away, and the reins are



being handed to the second, now so closely pressing in their predecessors' footsteps; may these fulfill their trust as faithfully.

In that manner has the age of the Drug Exchange been passing. Its second generation of management is now fast approaching the time when the third will have to entirely take up the duties which its predecessors bequeath to them. There will always be the same causes to advocate, the same interests to defend and the same progress to maintain. Let us hope that the two organizations will continue to grow not only in strength and usefulness to their own members, but to the improvement and advantage of all trade interests that are so intimately interwoven in our common country. You find the Drug Exchange now sheltered under the roof of Philadelphia's business temple, of which she is justly proud. It is a monument to the enterprise of her business men. The friends of this institution are represented by the gentleman whom I now introduce to you, Mr. George E. Bartol, president of the Bourse.

MR. BARTOL—Gentlemen of the Druggists Association, making remarks before lunch is a great deal more difficult than making them after dinner, when you are perfectly willing to sit and digest, no matter how long the remarks may be; but Mr. Hance has asked me to say a few words in the way, I presume, of welcoming you to the Bourse. The Bourse is always open for meetings of this kind. The building, as we well know, was designed especially to gather associations of this kind and to bring their members together—those who live in Philadelphia—monthly for the purpose of holding monthly meetings, and those who meet annually in annual convention. It



has been built for this purpose as a place in which to bring the different trades together, and it is always a great pleasure and great source of satisfaction to the management, to be approached by any organization or trade, to place the facilities of the building at their disposal. Nothing is a trouble to us that can assist in that direction. We are glad at all times to have these meetings take place, and to do everything in our power to make the meetings a success in every way. I presume that in speaking to any particular trade or association, one is supposed to make certain remarks in connection with that trade, no matter how little he may know about it, and when Mr. Hance yesterday asked me to speak on this occasion, he intimated to me that I was expected to say something that would be appropriate, but it is an extremely difficult thing. I have had the pleasure of talking to the postal carriers of the United States, to the millers of Pennsylvania and the wholesale warehousemen of the United States, and I find it an extremely difficult thing to get into touch with all these lines of business. It occurred to me at a meeting held last winter of the Carriage Association, that the carriage men got into a very high-flown frame of mind, claiming the earth, but it has seemed to me to be a statement that was hardly borne out by the facts, when compared with your Association. I know one enthusiastic member, after lunch had been passed around, was talking about this carriage business, and he said: "Why it commences before your birth!" (Laughter). Well, you may think that is a curious statement, but there is some amount of truth in it; he said, before you come here, you know, the doctor's buggy is heard; that

is, if he is on time, and from that time on you are practically dependent on wheels. As you go along you are pushed on in a little perambulator; then comes the pony cart, and then you finally come to the coupe and landau, and eventually you are carted off in a long-tailed buggy, and you do not come back. (Laughter). Now, it occurred to me, in looking into the connection that exists between the individual citizen and the drug trade, that the druggist is closely in touch with the citizen, and he keeps it up right through life. As I have figured it out, he starts in with the infant. I have seen it at home myself. Almost the first order is for soda mint; then comes the licorice root. I knew what that was in my school boy time. I would not have been happy without that licorice root. I think it is supplemented now by the chewing gum that the druggists supply. The chewing gum is constantly to the front, and they have their little boxes in which you drop your penny and get your gum. And then, of course, comes the lover's stage, for now comes the soda water right into full force, five cents a glass, all flavors. I do not know that this comes under the province of the wholesale druggist, excepting, perhaps, in supplying the marble dust for the purpose of making the gas (laughter), and without the druggist, then, where would we be? They tell you that one of the first requisites for the proper equipment of the military hospital is to have all lines of drugs to make a man comfortable after he has been shot to pieces. Then comes that great boon to man, pepsin, to make up for the deficiency of digestive powers in the man's stomach. Later on man comes to the time when he must have something to

put him to sleep, and eventually he gets a dose—we do not know what is in the last dose (laughter), but the last dose, as a rule, is a successful dose, and takes him away. I do not know really that there is anything more to be said after that—not that that is the dose which follows this luncheon, but we will all take it away with us, I think. Now, gentlemen, as to words of welcome, there is nothing more to say. You have got us, and you can have the whole building. It is all yours. You are welcome to go anywhere you want, and to do anything you please, and you do not require the services of the police. Our whole building is at your disposal, and we are ready and glad to be called upon to do anything in the world to increase your happiness. (Applause).

MR. HANCE—I now have the pleasure of introducing a Philadelphian, who desires to say something to you in relation to an enterprise to which he is very much devoted, and which is connected with the commercial interests of the United States. I now have the pleasure of introducing to you Prof. Wilson.

PROF. WILSON—Gentlemen of the National Wholesale Druggists Association: I want to say one word to you, because you may not know the fact that we have an institution here which differs from anything else in the United States, and it seems to me that while you are here some of you would like to avail yourselves of the opportunity of looking the institution over. It is called the Philadelphia Museum. You naturally might think that, from its name, it is a museum where you are going to see curiosities; on the other hand, it is a bureau of commerce. Any of you who are interested in commerce or trade, will find something there of interest to you. It is an in-

stitution that has been established on three different lines of work. I can state them all to you in three or four minutes, and then you can judge whether you ought to feel that it is a place to visit before you leave Philadelphia. It has been designed to bring together all the products of our manufacturers, which include raw products used in your lines also, from the whole world, and place them on exhibit in such a way as to benefit the manufacturers and give them information, and which would allow persons to see where they come from, in what condition they are procured, and to know what prices are, and what facilities there are for getting the various raw products of the world. At the present time, we have something in the neighborhood of thirty thousand different products in this exhibition. In connection, we established a scientific department for the careful determination and analysis of the various new products that you were interested in, being in your own line. There are many products, many medicines, from South America. These exhibits were taken from Chicago and brought here to this city. This, then, is the first department. There is another thing I want to say, and that is, that it is an institution established and supported as a department of manufacture, and it is designed to bring together all manufactured goods, including your own, and goods from France and Germany and Holland, and other countries which find a market in America. They are brought together with the manufacturer's name on them, and also the price at wholesale, with discounts and every condition which would enable you, if you stepped up to examine the products, to obtain information in regard to them.

## TREASURER'S REPORT.

|                               |             |
|-------------------------------|-------------|
| Balance from last report..... | \$ 1.40     |
| Total receipts.....           | 11,589.00   |
|                               | <hr/>       |
|                               | \$11,590.40 |
| Total expenditures.....       | 9,249.71    |
|                               | <hr/>       |
| Balance.. ....                | \$ 2,340.69 |

E. L. STRONG, Treasurer.

### EXPLANATORY.

I desire to say to those members of the Association who have kindly expressed their approval of the general completeness of the previous publications, that a sudden and serious illness made it necessary for me to put into other and willing hands the superintendence of the work after it had been well advanced. Under these circumstances it could hardly be expected that some errors might not occur in a work of this kind; and in the reading of the report I can only ask your considerate judgment.

A. B. MERRIAM, Secretary.





At the conclusion of Prof. Wilson's remarks, the members of the Association were invited to partake of lunch.

### SECOND DAY—THIRD SESSION.

The convention was called to order by the president at 3:30 p. m.

THE PRESIDENT—The first business in regular order will be the presentation of the report of the Treasurer.

The report on Drug Market was called for and presented by the chairman, Mr. Muth. On motion the reading of the report was dispensed with and ordered printed in the proceedings.

NOTE—It is due the chairman of this important committee to say, that the compilation of the vast amount of statistical information contained in this report, involves much time and patient investigation of the drug markets of the world. They are valuable as reference, showing the changing conditions of trade from year to year, and the withholding the reading of the report while a personal relief to the chairman, is no less an appreciation by the convention of his laborious service.

SECRETARY.

THE PRESIDENT—I will appoint as auditing committee on the account of the Treasurer, Edward C. Frisbie, N. Ashley Lloyd, William O. Blanding.

The Chair would say, the Treasurer's papers and vouchers are all here, and the committee can have them at any moment.

THE PRESIDENT—I would like to ask the convention if it is their pleasure at this time to adjourn, which we will have to do, unless there is some other business to come up now, or whether we will go on with the reports of the committees?

## REPORT OF COMMITTEE ON DRUG MARKET.

BALTIMORE, September 22, 1896.

Mr. President and Gentlemen of the National Wholesale Drug-gists Association:

We all had hopes at the last meeting of our Association in Denver, that a revival in business, so long looked for by us, would come by the beginning of the year 1896; but, alas! another year has gone and the long-looked for boom not to hand yet.

The financial question of the times, to which we alluded in our report of 1895 (gold and silver), has gone far ahead of anything we could have expected, and to this is due, no doubt, our great depression in trade. We hope with the close of the Fall campaign that the finance of this country may be placed in such a position as to give this country the greatest prosperity it ever had.

Fluctuations in drugs were as usual. We have many speculative articles, but, thanks to our good trade journals and papers, they give weekly such correct and complete reports from the principal drug markets of the world, that those who read and study them (which all of us in the trade should do) can at all times be well posted on prices.

We regret to say that we have had more failures than is usual the past year, no doubt all owing to the great depression in trade. Let us hope the worst has passed.

We submit the following:

ACETANILID—Has fluctuated very much during the year, selling in September, 1895, at 27c, in December 24c, in January 28c, February 30c, April 28c, June 30c, July 26c, August 29c, and September, 1896, 35 to 36c.

ACID—Benzoic Ex-tuluol—Prices have been in the range, 46 to 52c for the imported. Nothing has been heard of the lot said to have been placed on the market in 1895 of American make.

Boracic—Ruling at 9 to 9½c all the year. No California of any importance has been offered during the year.

Carbolic—In drums running from 13½c in September, 1895, to 16½c in May, 1896, and in bottles, 19 to 21c in 1895, and 24 to 27c in bottles in May, 1896, which is price now in September, 1896. Some few makers selling at much higher figures.

Citric—The low price has ruled all the year, selling in kegs, 35 to 36c.

Oxalic—Those in control of this have held it firmly all year,  $7\frac{1}{4}$  to  $7\frac{1}{2}$ c.

Salicylic—In this we have had past year pretty steady prices, selling in September, 1895, at 40c, and in April advancing to 45c, again in June dropping to 40c, and now in September, 1896, manufacturers' price is still 40c. Some lots frequently offered 38 to 39c.

Tartaric—This is one of the articles that has fluctuated very much. Many causes given for same. Probably only those in the combine can give us the only true reasons for the advances and declines. Prices in September, 1895,  $25\frac{1}{2}$  to 26c, advancing to 29c same month; October, 30 to  $30\frac{1}{2}$ c; in January, 1896, 31 to  $31\frac{1}{2}$ c; February, 33 to  $33\frac{1}{2}$ c; in May, declining to 32c; July  $30\frac{1}{2}$  to 31c; August, 30 to  $30\frac{1}{2}$ c, and now, in September, 29 to  $29\frac{1}{2}$ c.

ALCOHOL—Grain—Has been very steady all the year, only a difference of 5 cents in price, selling now, in September, 1896, in 5 to 10-barrel lots, \$2.28 cash, 10 days.

Wood—No change all the year, and, it is said, demand has only been equal to supply; 90c per gallon is the price.

AMMONIA—Carbonate—Only slight changes in price. American and English in 1895, 8 to  $8\frac{1}{2}$ c, in June, 1896, declined to  $7\frac{1}{2}$  and 8c.

Muriate Lump—Selling at 9 to  $9\frac{1}{2}$ c.

Muriate Granular—For mechanical purposes selling for  $6\frac{1}{2}$  to  $6\frac{3}{4}$ c in casks. Granular, pure, for medical uses, at 11 to 13c.

ANTI-FEBRIN—Prices established in 1895, 11c in 500-ounce lots, has been upheld all the year.

ARROWROOT—Bermuda—The fine, true article has been getting very scarce, quoted 34 to 38c, Bermuda 27 to 30c, St. Vincent's  $6\frac{1}{2}$  to 8c, and American  $4\frac{1}{2}$ c.

BALSALMS—Copaiba—Many believe that this will be higher in the near future. Central America now quoted 37c to 40c, Para 40c, Angostura 40c to 42c. The importation for the Government fiscal year were: June 30, 1895, to June 30, 1896, 103,239 pounds.

Canada Fir—Has again declined during the past year, selling in September, 1895, at \$2.10 to \$2.15 per gallon, and in September, 1896, \$1.85 to \$1.90 per gallon.

Peru—Has established a reputation for fluctuations, selling September, 1895, \$2.25 to \$2.40; October, \$2.10 to \$2.20; No-

vember, \$2.40 to \$2.50; declining in February, 1896, to \$2.20; March, \$2, and May to \$1.90, the present price.

Tolu—The price of this has been very uncertain. We give quotations: September, 1895, 38c; October, 45 to 50c; November, 55 to 60c; December, 60 to 65c; in February, 1896, dropped to 50c; in May 45c; then again advanced, July, 52c; August, 57c; September, 60c.

BARK—Cascara Sagrada—Selling  $3\frac{1}{4}$  to 6c during the year, the latter price for choice dried bark.

Cinchona—Low prices prevailing, 13 to 18c, as to assay. Java has sent the largest shipment the past year ever known.

Cottonroot—The demand for this is only limited, and ruling price is  $3\frac{1}{2}$  to  $4\frac{1}{2}$ c, but in the early spring the supply was very near exhausted, and the price advanced to 7 and 8c; new crop coming in, price is now 4c.

Elm—Price very steady all the year, selling from 6 to 10c for very select.

Sassafras—This got exceedingly scarce early in the year. We give prices: September, 1895, 5 to 6c; January, 1896, 8 to 9c; February, 9 to 10c; March, 10 to 11c; declining in May to 6 and 7c, and now, in September, 1896, offering 5 to 6c. So far only a small lot came into market.

BERRIES—Cubeb—The low price ruling in 1895 has been further reduced. Supply is heavy, demand normal. Prices in September, 1895, 9 to 12c; in January, 1896, 8 to 10c, and now, in September, 1896, 6 to 9c for xx.

Juniper—Prices range from  $1\frac{5}{8}$ c to  $2\frac{1}{4}$ c, as to quality and quantity.

Coccus Ind.— $3\frac{1}{2}$  to 4c. The sale is said to be declining.

Saw Palmetto—This new drug has, and is yet, very much of the fluctuating kind, selling September, 1895,  $3\frac{1}{2}$  to  $4\frac{1}{2}$ c, advancing in December to 6c; February, 1896,  $7\frac{1}{2}$ c; March,  $10\frac{1}{2}$ c; April, 12 to 14c. As the new crop came along, prices declined, and in August price quoted 5 to  $6\frac{1}{2}$ c. The demand was much heavier than the supply during last winter and spring.

BORAX—Has fluctuated only slightly, selling in September, 1895,  $5\frac{1}{4}$  to  $5\frac{1}{2}$ c, then advancing 1c in January and again declining, selling November,  $5\frac{1}{2}$  to 6c.

BLUE VITRIOL—Selling all the year from  $3\frac{1}{2}$  to 4c.

BISMUTH METALLIC—The price of this in June, 1896, was reduced to 3s, and makers of sub-nitrate all reduced price to 85c

in 25-lb. lots. The price of metal (before the break) by the combination to the manufacturers, 7s, 6d. 'Tis said English stockholders are squealing because of no divvy from the mines.

BEANS—Tonka (Angostura)—Have been very unsettled in the past year, selling in September, 1895, \$2; October, \$2.25; November, \$2.50, declining in January, 1896, \$2.10; May, \$2; September, \$1.85 to \$1.90.

Vanilla, Mexican—For many given reasons, these are gradually advancing, selling in 1895, \$5.50 to \$10, and in 1896, from \$6.75 to \$13; cuts now being held at \$6.25 in case lots. We are told the Mexican Indians, who principally pick and cure the beans, are not the most industrious people in the world.

Vanilla Bourbon—Selling in September, 1895, \$4 to \$7; now in September, 1896, quoted from \$7 to \$9.

CAFFEINE—This has continued to fluctuate from September, 1895, to March, 1896, since which time prices have been steady, selling in beginning of September, 1895, \$7.50 to \$8; latter part of September at \$9; in October, \$7.50; November, \$7; December, \$6.50; January, 1896, \$6, and in March declining to \$5.50, which is the price at close of this report.

CAMPHOR—American—How this has had its advance, and then its rapid decline (to the loss of many of us) when in the height of the great demand, is well known to us all. The following will show for itself: September, 1896, American, 53 to 54c; October 1, 64 to 65c; April, 1896, 55 to 56c; May 1, 52 to 53c; May 9, 46 to 47c; May 22, 43 to 44c; June 1, 40 to 41c; August, 43 to 44; selling same at this time.

Japanese—Fluctuating with the American make, selling September, 1895, 50 to 56c; October, 60c; in April, 1896, declining to 54c; and in May to 45c; June, 42c; now selling, 44 to 45c.

CANTHARIDES—Chinese—Selling all the year at 25c. Just now—September—an advance seems probable.

Russian—Have declined about 20 per cent. past year, selling in September at 60c; in December, 50c. Have lately been offered 47 to 48c.

CHLORAL HYDRATE—There has been no change past year; quoted at 85c in bulk.

CINCHONA SULPHATE—Has moved upward; quoted in September, 1895, 32 to 40c per pound; in April, 42 to 50c; now 64 to 80c.



CINCHONIDIA SULPHATE—Another one of the sudden advances which have been well maintained, selling in September, 1895, ounces, 2 to 3c; in April, 4 to 4½c; in May, advanced to 6c, and some makers asking 8c; in September price was 7½c.

COLOCYNTH APPLE—Spanish—Selling in September, 1895, 24c; in January advanced to 30c, same in September, 1896.

Trieste—Have been moving up and down all the year. They were selling in September, 1895, 55 to 60c; December, 65 to 70c; January, 1896, 70 to 75c; February, 58 to 60c; March, 65 to 70c; June, 70 to 75c; July, 60 to 65c; August, 70 to 75c; September, 75 to 80c.

COCAINE MURIATE—Has been irregular nearly all the year, selling in September, 1895, \$4.50 ounce; January, 1896, \$4.25; March, \$4.50; April, \$4.25; April 12, declining to \$3.80; August, advancing \$4.05.

CREAM TARTAR—Another up-and-down-the-ladder article, quoted in September, 1895, 21 to 24½c; October, 25½c; January, 1896, 26½c; February, 27½c; May, 26c; June, 25c; August, 24 to 24½c; September, 23½c.

CUTTLE FISH—Trieste ruling 7 to 8½c.

DRAGON BLOOD—Reeds—This has declined; quoted in September, 1895, 70c; May, 1896, at 50c; August, 42c; September, 40c.

Mass.—Quoted from 16 to 24c, as to quality.

EPSOM SALTS—Very steady all the year, selling 90c to \$1, and \$1 to \$1.10, as to quantity.

ERGOT—Has gotten to a very low figure. German selling in September, 1895, 15 to 16c; July, 1896, 12 to 13c. Spanish, selling in September, 1895, 19 to 20c; July, 16 to 17c.

FLOWER—Arnica—Low price all the year, selling 5½ to 6½c.

CHAMOMILE—German—The demand is not increasing, and with good, fair crops prices are steady, 1895 selling from 11 to 13c; new crop of 1896 quoted in August at 22c; now in September selling at 15 to 18c.

Roman—Price is very steady; 10 to 16c, as to quality.

GLYCERINE—Has been advanced very much since our last report; selling, September, 1895, drums, 11c; cans, 12c; in November, drums, 13c; cans, 15c; in December, drums, 17c; cans, 17½ to 20c, as to make.

GUARANA—This keeps on declining, selling in September, 1895, at 65c; can now be bought for 45 to 50c, as to quantity.



GUM—Arabic—Higher prices have ruled this drug the past year; Firsts selling, 1895, September, 45c; 1896, March, 55c; April, 58c; September, 54c; Seconds, 1895, September, 28c; 1896, March, 35c; April, 37c; September, 32c; Thirds, 1895, September, 22c; 1896, March, 24c; April, 25c; September, 23c; Sorts, 1895, September, 14c; 1896, March, 16c; April, 21c; September, 19c.

Asafoetida—Declined very much past year; selling in September, 1895, 14 to 20c; now, in September, 1896, good, fair quality selling at 11c, as we close this report. Rumor has it that higher prices will again rule.

Benzoin—Remains very steady, from 25 to 35c, as to quality.

Guaiaac—Selling from 12 to 25c, for very select.

Kino—How this has moved up and down is marvellous; look at the figures: September, 1895, \$2; October, \$3 to \$3.50; November, \$2.50; January, \$2; March, \$1.75; April, \$2.50; June, \$2; July, \$2.50; August, \$3; September, \$3.50. It is said extract of Logwood is used to adulterate Kino.

Mastic—Remains steady; 45 to 50c.

Myrrh—Selling from 16 to 26c, as to quality.

Shellac—Has declined past year; D. C. selling in 1895, 39c, gradually dropping to 28 and 29c in 1896, The other grades dropping in proportion, selling as low as 21c.

Tragacanth—Aleppo, 1895, 57c; in January, 62c; now, 68 to 72c, this for firsts and for seconds; 52 to 60c has ruled.

INSECT POWDER—Has been higher; selling, September, 1895, 15 to 18c; February, 1896, 20 to 24c; May, 22 to 28c, and are prices in September.

LEAVES—Buchu—Short, has been in the range of 6 to 11c, as to color, good green bringing the higher price.

Buchu—Long, remain at pretty even price, 18 to 22c.

Cocoa—Huanuco have declined past year; quoted in September, 1895, 35c, and in September, 1896, 23c. Truxillo in September, 1895, 18 to 20c; in September, 1896, 14 to 16c.

Digitalis—Very steady, 6 to 9c, as to quality.

Belladonna—No changes, 9 to 10c.

Hyoscyamus—6 to 12c ruling price.

Senna, Alex.—Have advanced; Garbled, 18 to 24c; siftings, 7½ to 10c.

Senna, Tinnevely—Also higher, especially the lower grades, now quoted 5½ to 7½c; the higher grade, 14 to 18c.

MANNA—Has been very cheap, only recently advanced; small flake selling, September, 1895, 23 to 24c; in July, 18 to 19c; now quoted 28 to 35c.

MENTHOL—Has declined very much past year, selling in September, 1895, \$4.10; in January, \$4; April, \$3.80; May, \$3.50; June, \$3.25; August, \$3; September, 1896, \$2.80 to \$2.90.

MORPHIA—This has not fluctuated very much; selling, bulk, September, 1885, \$1.50; in January, 1896, \$1.60; May, \$1.50; July, \$1.55; September, \$1.40 to \$1.50.

OIL—Anised—The price of this has been very uncertain and high; quoted in September, 1895, \$1.70; October, \$2 to \$2.30; November, \$2.35 to \$2.45; January, 1896, \$2.60 to \$2.75; March, \$2.40; May, \$2.30; June, \$2.20; July, \$2.10; August, \$1.90; September, \$2.25.

Bergamot—Has moved upward. Prices in September, 1895, \$1.75 to \$2.40; October, \$2.30 to \$2.90; March, 1896, \$2.10 to \$2.50; June, \$2 to \$2.40; September, \$2.25 to \$2.50.

Cassia—This has also been uncertain in price and very high. Don't know if the Chinese were trying to make us help pay their war debts; selling in September, 1895, \$1.65; October, \$1.80 to \$1.90; November, \$2.30 to \$2.50; March, 1896, \$2 to \$2.20; April, \$1.65 to \$1.90; June, \$1.50 to \$1.75; August, \$1.45 to \$1.65; September, \$1.75 to \$2.

Citronella—Fluctuated very much; selling, September, 1895, 32 to 38c; December, 42 to 54c; March, 1896, 47 to 50c; May, 36 to 40c; August, 30 to 33c.

Cloves—Has declined; selling, September, 1895, 50 to 55c; and now down to 40 to 42c.

Coriander—Much lower in price; quoted from \$8 to \$10 per pound.

Croton—Selling at 75c until June; advanced to 85c.

Cubeb—A decline in this; selling in 1895, \$1.10; can now be bought for 85c.

Lemon—The low prices ruling in 1895 have had their day, and \$1.10 to \$1.40, as to make, is now the price.

Neroli Petale—Quoted and selling \$42 to \$48 pound all the year.

Orange Sweet—Has advanced; selling, in September, 1895, \$1.10 to \$1.30; November, \$1.40 to \$1.60; January, 1896, \$1.80 to \$2; May, \$1.70 to \$2.10.

Pennyroyal—Has declined; selling, 1895, at \$1; quoted, September, 1896, at 75 to 80c.

Peppermint—Is at this writing lower in price than it has been past twelve years; selling, September, 1895, Western, \$1.65; Wayne Co., \$2; H. G. H., \$2.40; March, 1896, Western, \$1.50; Wayne Co., \$1.80; H. G. H., \$2.15; May, 1896, Western, \$1.40; Wayne Co., \$1.70, H. G. H., \$2; September, 1896, Western, \$1.20; Wayne Co., \$1.35; H. G. H., \$1.80.

Sassafras, Natural—Prices are advancing; selling, in September, 1895, 32c; December, 34c; March, 1896, 36c; May, 1896, 37c; August, 40c.

Sassafras, Artificial—Advanced with natural; selling, September, 1895, 21 to 23c; advancing in March, 30 to 32c; May, 33 to 35c.

Spearmint—Has ruled very even, \$2 to \$2.10 all the year.

Sandalwood—Prices have been about the same all the year. West India, \$2 to \$2.25; East India \$4.25 to \$4.75; some very choice of the latter is selling \$5.10 to \$5.15.

Wintergreen Natural—Very irregular prices all the year, from \$1.15 to \$1.25.

Wintergreen Artificial—Selling very low in 1895, 65 to 75c, now quoted 60 to 65c.

Wormseed, Balto—Has advanced very much, selling in September, 1895, \$1.25; December, \$1.40, February, 1896, \$1.75; March, \$2; July, \$2.10 to \$2.20; now offered in September at \$1.75.

Castor—Declined during the year; quoted September, 1895, 10c in barrels, 10½c cases; June, 1896, 9½c in barrels, 10c cases; September, 1896, 9c in barrels, 9½c cases.

Cod Liver, Norwegian—If prices were thought high in 1895, this year goes away ahead. We give the following: September, 1895, \$48; October, \$54; holding steady until February, 1896, then \$47 to \$50; March, \$52 to \$65; April, \$60 to \$68; May, \$58 to \$60; June, \$55 to \$57; July, \$53 to \$56; August, \$50 to \$54; September, \$51 to \$55.

Cod Liver, Newfoundland—Advanced not as much as the Norwegian; quoted September, 1895, 50 to 85c; October, 90 to 95c; March, 1896, \$1 to \$1.15; June, 90c; September, 80 to 85c.

Neatsfoot—Pure white selling 60 to 65c gallon; No. 1, 40 to 45c.

Olive, Virgin Pure—Quoted \$1.40 to \$1.50. The sale of this in 1-gallon original cans has increased very much.

Olive, Malaga—Has declined, selling September, 1895, 55 to 58c. Now quoted, 48 to 50c.

Cottonseed—Not many changes; 1895, 37c; now, 31 to 34c gallon.

Sperm, White Winter—Only a slight decline, selling 55 to 60c.

OPIUM—The usual fluctuations. Trade journals keep us posted, and give the many causes and theories for these fluctuations. We give the selling prices: September, 1895, \$1.65; October, \$1.75 to \$1.80; November, \$1.70; December, \$1.90 to \$2; February, \$1.95 to \$2.10; March, \$2.10 to \$1.90; April, \$2.10 to \$2.15; May, \$2 to \$2.10; June, \$1.95 to \$2; July, \$2.05 to \$2.30; August, \$2.30 to \$2.40; September, \$2.30 to \$2.20. The amount of Opium imported from June 30, 1895, to June 30, 1896, 356,514. Crop, 1895, was 10,700 cases.

PARIS GREEN—Price, 1896, was fixed at 11c in bulk, and then advanced to 12½c, this for arsenic kegs, being a very heavy decline over prices of 1895.

POTASH—Bicarb—No change past year; ruling price, 8½ to 9½c.

Bichromate—Only change was an advance of ½c in the year, now selling at 10½c in casks.

Chlorate, English—Has declined, selling in 1895, 9 to 9½c; can now, in September, 1896, be bought for 8 to 9c.

Bromide—Has been advanced, selling in September, 1895, 38 to 39c; advanced in May to 41 and 42c.

Iodide—Has ruled firm all the year at \$2.75 per pound.

Permanganate—The sales of this are said to be growing, and it has had some fluctuations, selling September, 1895, 19c; April, 1896, 25c; May, 20c; July, 22c; September, 20c.

Prussiate Red—No change, selling all the year 40 to 42c.

Prussiate Yellow, American—Quoted in September, 1895, 18 to 19c; in September, 1896, 15½ to 17c.

Prussiate Yellow, Scotch—Selling in September, 1895, 21 to 22c; in September, 1896, 15½c.

QUICKSILVER—This, as usual, irregular in price, selling September, 1895, 52c; October, 5¼c; January, 1896, 52c; February, 50c; May, 52c; June, 49c; August, 48c.

QUININE—To many of us the changes have been a mystery, and of late the changes have come so sudden that few have

escaped from losses by the sudden reduction. We give the manufacturers' agent prices for foreign and certain American makes, whilst several other American makers have always been 2c above, selling as follows: September, 1895, foreign, 25c, American, 27c; December, 1895, foreign, 28c, American, 30c. It could be bought from outside of agents at 25½ to 27c for foreign. This lasted until August 17, 1896, when foreign and American dropped 3c an ounce, selling at 25 and 27c. August 24, just one week, another drop of 3c, selling at 22 and 24c, whilst outsiders were offering in quantities at 21c. The amount imported June 30, 1895, to June 30, 1896, quinine and salts, very large, 3,359,818 ounces, showing our American people have great faith in quinine.

ROOTS—Ginger, Jamaica—Has advanced past year, selling September, 1895, natural, 12c; bleached, 14c; October, natural, 15 to 17c; bleached, 18 to 19c; then running pretty regular until June, 1896, selling, natural, 17 to 18c; bleached, 19 to 20c.

Ginger, African—This has declined, selling in 1895, 7 to 8c; now, September, 1896, 4 to 4½c; Calcutta Ginger now quoted 3 to 3½c.

Ginseng—Has ruled very regular until July, 1896, selling at \$2.25 to \$3; now \$2.75 to \$3.75 per pound.

ROOTS—Gentian—This has almost doubled in price, selling, September, 1895, 3 to 3½c; in April, 5½ to 6c, which is present price.

Goldenscal—Price has been pretty even, September, 1895, 18c; January, 1896, 22c; July 20. Report of crop not encouraging. 'Tis said the low prices do not pay for digging many of our indigenous drugs.

Jalap—Has declined very much, selling, September 18c; December, 16c; February, 13c; April, 11c, and now in September quoted 11 to 13c, as to quality.

Ipecac—Advanced during the year, selling September, 1895, \$1.25; October, \$1.30; January, \$1.45; July, \$1.60, which is the present price for good root.

Lady Slipper—Price has been very regular all the year, September, 1895, 10c; now selling September, 1896, 9c. Small lots were sold in August 7½ to 8c. At this writing very little is to be had.

Mayapple—Sold September, 1895, 3½c; April, 1896, 3c; now quoted September, 1896, at 4c.

Orris—Verona selling 13 to 16c, Florentine 18 to 25c, both as to quality.

Pink—This has been more plentiful past year, and prices declined to 16 to 24c, as to quality.

Rhubarb—Prices very steady. Quoted Canton 20 to 30c; Shensi 30 to 45c.

Senega—Has declined, Minnesota selling as low as 20c; it is now September, 1896, 22c

Senega, Southern—Keeps firm, 38 to 45c.

Sarsaparilla—Ruling prices are low, Honduras 27 to 32c; Mexican  $5\frac{1}{2}$  to 6c.

Stillingia—A big decline in this the past year, selling September, 1895,  $3\frac{1}{2}$ c; now September, 1896,  $2\frac{1}{2}$ c.

Serpentaria—Texas declined, quoted in September, 1895, 22c, September, 1896, 19 to 20c.

Serpentaria—Virginia quoted in September, 1895, 35c; now September, 1896, 29c.

Squill—Prices are low, selling  $2\frac{1}{2}$  to  $4\frac{1}{2}$ c, latter for prime white.

SAFFRON, American—Why this should fluctuate so very much is one of the things we do not know. We give selling price, September, 1895, 35c; February, 1896, 40c; March, 45; May, 30c; June 25c, September, 22 to 23c.

Valencia—Has advanced, selling September, 1895, \$6; November, \$6.50; March, \$7; August, \$7.50.

SALICINE—Advanced during the year, selling September \$2; January, \$2.25; May, \$2.50; some makers now asking \$2.75.

SALOL—Has remained steady, 1-lb. bottles, \$3.20; ounce bottles, 25c.

SANTONINE—Advanced from \$2.50 to \$3, present price.

SULPHUR—Has been very steady, until August, 1896, when prices were advanced. Now quoted  $1\frac{1}{2}$  to  $1\frac{3}{4}$ c, usual discount as to quantity.

SEEDS, Canary—Have gotten to a very low figure, selling September, 1895, Sicily  $2\frac{3}{4}$ c, Smyrna  $2\frac{3}{8}$ c; January, 1896, Sicily  $2\frac{3}{8}$ c, Smyrna  $2\frac{1}{8}$ c; April, 1896, Sicily  $2\frac{1}{4}$ c, Smyrna,  $1\frac{3}{4}$ c; August, 1896, Sicily  $2\frac{1}{8}$ c, Smyrna  $1\frac{1}{2}$ c.

Carni—From  $5\frac{1}{2}$  to 7c has been price all the year.

Celery—Irregular prices all the year, selling September, 1895,



9½c; January, 1896, 13c; April, 11c; May, 12c; June, 11c; August, 9c; September, 8c.

Coriander—Has declined very much, selling September, 5½ to 6c; January, 4½c; April, 3½c; May, 3c; June, 2½c; August, 2c.

Flax—Low prices are ruling, now selling 1½ to 2c, as to quantity and cleanliness.

Hemp—Declined, selling September, 3c; January, 2½c; in May declining to 2¼c.

Mustard—Yellow, California. Selling September, 2¾c; April 2½c; July 2. Trieste in the range 3 to 3¾c.

Sunflower—Demand is increasing and stocks are large. It has declined, selling September, 1895, 3½c, now September, 1896, 1½ to 2½c.

Watermelon—Price very regular all the year, quoted 5 to 7c, as to quantity.

SILVER, Nitrate—Quantity price has been 43 to 45c per oz., all the year.

SPERMACE—Has fluctuated very much, selling September 31c, October 34 to 37c, November 40c, January 36c, February 36c, May 31c, August 32c.

SOAP, Castile, white—9½ to 9¾c for Conti, has been selling price all the year.

Castile, mottled pure, selling 5 to 6c.

Castile, mottled common, selling 3¾ to 4c.

SODA, bicarbonate, English—Has declined, selling in kegs at 1½ to 1¾c, as to quantity.

Bichromate—Advanced, selling September, 1895, 6¾ to 7½c, September, 1896, 8½ to 8¾c.

Bromide—Advanced 3c during the year, now 47c.

Salicylate—Declined to 45c, sales said to be increasing; price 40c if 100 lbs.

WAX, Yellow—Quoted September, 1895, 29c; April, 1896, 32c, August 26c, September 25c.

Sugar Milk Powder—Has fluctuated during the year as follows: September, 1895, 10 to 14c, October 14 to 16c, January 18 to 20c, April 16 to 18c, May 14 to 16c, June 12 to 14c, which is the present price.

Brazil—Decline during the year. September, 1895, 28 to 38c, October 25 to 34c, February 22 to 30c, March 20 to 25c, August 20 to 28c, the higher price for No. 1 quality.

Japan—This has got to be a fluctuating article, selling September, 1895, 5½ to 8c, January, 1896, 7 to 8c, February 8 to 9c, April 7½c, July 9½c, August 8½ to 9c.

Paraffin—Selling from 5 to 7c, as to melting test.

All of which is respectfully submitted.

Truly yours,

GEO. L. MUTH, Chairman.

THE PRESIDENT—The Committee on Commercial Travelers—Mr. William J. Walker, Chairman.

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## REPORT OF COMMITTEE OF COMMERCIAL TRAVELERS.

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The subject of commercial travelers has been so exhaustively discussed in the immediate past, that little of interest can be added to the full reports now a part of the records of this Association. My predecessor reported fully upon all of the various phases of this question as to sales, profits, expenses, and manner of employment in regard to time and salary. So far as can be learned, no changes have been made in the methods, neither have the sales or profits been increased nor the expenses diminished.

During the year a determined effort has been made to lead buyers to believe that goods could be bought cheaper by ordering direct than through salesmen, and that the purchaser paid, in increased prices, the salary and traveling expenses of the traveler. Inquiry made of many of the leading jobbers reveals the fact that it is the jobber who pays all the expenses, and customers are not charged, in any instance, more for their goods because of the solicitation of their orders by travelers. This expense falls heavily upon the jobbers and makes serious inroads upon their meagre margins. The practical question for us to consider is, "whether or not there is any way by which this expense can be reduced."

Competition is no longer alone with our natural competitors, the jobbers, but also with specialty and manufacturing houses, whose travelers solicit the same trade we are seeking. The patronage of the rural districts and small towns has steadily dimin-

ished to the benefit of trade centers easily accessible by public conveyance. This requires frequent visits to all such larger towns in order to secure the business that is tributary to the jobbing center and to meet this changed condition the employment of increasing numbers of travelers is necessitated.

A suggestion was made, some years ago, that the number of travelers be decreased in proportion to the number employed by each house; but this did not meet with the approval of the trade, for the reason that it could not be adjusted with satisfaction to the various interests involved.

The present generation of business men have been taught to buy goods from travelers, and the steady decrease in direct orders, and absence of buyers from our salesrooms, must convince us that solicitation is the popular method of selling goods, and that it would be unwise to change unless, by concerted action, the travelers of all competing houses were withdrawn.

Suggestions have been made by the members of the committee to the effect that it is desirable that the subject of a 5,000-mile mileage book, good over all railroads, receive the sanction and recommendation of this Association, as it would be a step in the direction of a decrease of expenses that are already burdensome. Also, that a guaranteed salary, with a commission on all sales above a given amount, is the proper method of compensation, and that the expense money should be limited to a given sum per month or week.

It is impossible to make specific rules for the general guidance of all travelers, as the territory to be canvassed requires men of varying adaptability, and this must be regulated by the individual employer. It is the consensus of opinion that the traveler is a necessary adjunct to the business, and the employment of the right kind of men is a matter of vital importance.

Travelers who understand the business, of good judgment, tact, energy and industry, are appreciated, have a permanent position, are held in the highest esteem by their employers, and receive liberal compensation ungrudgingly as a reward for their efforts.

WILLIAM J. WALKER,  
Chairman of Committee.

MR. KLINE—I would like to say that I have a letter from the Weeks & Potter Co. The communication was addressed to me, because I think Mr. Weeks,

who sent it, must have imagined that it belonged to the Proprietary Committee. I do not think it does. Still, I wrote him, stating I would bring it to the attention of our committee. Now, that Mr. Walker has read his report, it occurs to me that that communication belongs, and should go, to the Committee on Commercial Travelers, as the subject referred to was the matter of the various specialty manufacturers getting into communication with travelers, and offering them a commission or some consideration. He is very much opposed to that method of reaching his men, and he thought something ought to be done. It seems to me it naturally goes to the Committee on Commercial Travelers, and if there is no objection I will hand it to the members of that committee.

Some of the gentlemen present are concerned very much in regard to the legal summons served on them during recess. I have seen the attorney for the Proprietary Committee since we adjourned, and he informs me that these papers were probably prepared about the same time as the New York suit was prepared, with a view of serving them on a large number who were expected to be present at this meeting.

MR. MAIN—I would like to ask Mr. Kline whether it is not necessary for the members who have been served to enter an appearance?

MR. KLINE—I asked the attorney that question, and he said it was not necessary, and unless he heard to the contrary he would take my statement to the effect that he was to represent them, and he would put in an appearance for all the parties who were served.

THE PRESIDENT—Gentlemen, I think that this is an important statement, and one which all should hear, as there are very few present, and I, at the proper time, will call upon Mr. Kline to repeat his statement.

MR. KLINE—I am glad to make this statement now, as I was afraid some of the members might lose sleep to-night, and I do not want that to happen.

THE PRESIDENT—Now it is about four o'clock, the hour fixed for our adjournment, and the hour at which the Proprietor's Association will be called to order, and I would like to ask now what is the pleasure of the Association?

MR. WELLER—I would like to present a resolution in connection with the report of the Memorial Committee before we adjourn.

The Board of Control, in calling attention to the report of the Committee on Memorials of Deceased Members, regret that we are compelled to chronicle each year the death of some of our members; it is the saddest thing in connection with our meetings that we have to report the death of some of our most honored and respected members.

We indorse the recommendation of the committee that a memorial page be inserted in the report.

The resolution of Mr. Weller was adopted.

MR. KELLY—Could not a list be prepared, Mr. President, that would cover all the deaths of the membership since the beginning to this particular time?

MR. WELLER—It seems to me that that would hardly be necessary, if you have them enrolled every year.

MR. KELLY—There has been no list of this kind before.

THE PRESIDENT—I believe our secretary has been at work for a long time preparing such a list of the deceased members from the beginning of this Association, and he can probably state to us how far he has got along in this work.

THE SECRETARY—It is ready for publication. The list is complete. I believe I have a list of all the members of the Association who have died since 1876, from the time the “Western Wholesale Drug Association” was organized, to the present time, and that will appear in the next published proceedings.

MR. WELLER—The Board of Control presented this report; as it is we take it, this matter will be left for future consideration before the publishing of the proceedings of the convention. We now present this report for your adoption.

MR. KLINE—I move that it be adopted.

MR. KELLY—Is it settled as to whether the list shall be a full list of the membership who have died from the beginning, or, is it to be a list only of this year?

THE PRESIDENT—The Chair would say in answer to Mr. Kelly’s question, that the secretary has been at work for some time upon a full list of the deceased members from the beginning of this Association. As will be evident to you all upon a moment’s reflection, the preparation of such a list takes up a great deal of time, as this information must be obtained piecemeal and extend over quite a space of time. I understand our action will be in line with that of former years. In addition to that, this report of the secretary will also be published. I think that is the secretary’s idea, to complete the record as soon as possible, and to incorporate it in this year’s publi-



cation, and also to print this report, as has been our universal custom.

Now, gentlemen, is it your pleasure to adjourn?

MR. KLINE—I move the adoption of Mr. Weller's motion.

Question put and carried.

THE PRESIDENT—Now, gentlemen, I do not like to say anything unpleasant to this convention, but I do want to say this, that we are here to transact our business, and while we all like pleasure, that we should all remember that the pleasures of this occasion are merely incidental to business, and in no case should take the precedence. Now, we have been very slow in getting together, and we have lost a good deal of time, as we are apt to do in a large city where there are outside attractions. I merely want to call your attention to the fact that the next meeting is called at 10 o'clock to-morrow morning, and that we have a great deal of work to do; that we must get together and do it. I want the chairmen of the committees to be here at that time, and to have their reports with them, so that we can get on with their reports. I only wish that we could have been as prompt this morning, as we were at the time when the lunch was announced.

The Association then adjourned to meet Wednesday morning at 10 o'clock.

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#### FOURTH SESSION.

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*Wednesday, October 7.*

The convention was opened at 10 a. m. by the president, who stated that the first order of business was the continuation of reports of committees, that

on Membership taking precedence this morning.

MR. CARTER—The list of applications for membership having been read the first evening, and posted in accordance with the By-laws, no objection having been made, I move that the secretary deposit one ballot for the list as reported.

THE PRESIDENT—Gentlemen you have heard the motion that the report of the Membership Committee, all constitutional requirements having been complied with, be now acted upon. Are you ready for the question?

Agreed to.

SECRETARY—I now announce to the convention that the names reported by the committee are duly elected members of the Association.

MR. KLINE—I now will read this communication which will go to the Board of Control; it is from Weeks & Potter Co.

Boston, Mass., October 2, 1896.

Mr. M. N. Kline, Philadelphia, Pa.

Dear Sir—For the past few years we have been considerably annoyed by manufacturers, who have approached our salesmen with offers to push their goods. The offers made are of all sorts, involving prizes and other promises of remuneration. We pay our salesmen a direct salary by the year or week, and consequently their time is ours, and any manufacturer who approaches them and attempts to induce them to push any particular line of goods is trespassing upon our rights and ignoring our wishes. We feel no outside party has any right whatever to come to our store and interfere with the detailed work we have laid out for our salesmen. We have good reasons for declining to allow our salesmen to enter into any of the competitions, knowing that such work on their part will greatly interfere with our own interests.

We have just written a letter to a certain manufacturer which explains our position in this matter and which is in itself,

we think, sufficiently plain to cover our ideas in the matter without any further extended comment.

We feel this is a matter which may very properly be brought before the manufacturers of the country, as it is evident that many of them fail to realize the fact that in approaching an employe without the sanction of the employer they are doing a thing which is decidedly discourteous.

If you consider this a subject worthy of the attention of the National Druggists Association, we would be very glad to see a statement of it made before the meeting now to take place.

We regret exceedingly our inability to be present in Philadelphia, and hope the meeting will be as successful as those of the past. With kind regards, we remain, yours very truly,

Weeks & Potter Co.

BOSTON, Mass., — —

Dear Sir—One of our salesmen has submitted to us your letter of ——— addressed to him personally, and making him an offer for his good will and personal push in the introduction of your remedies.

We now will request you in the future to address all correspondence to the firm, and to cease addressing any correspondence personally to our salesmen.

Our reasons for making this request are as follows:

Our salesmen are employed by us at a stated salary, and their time is consequently ours and is to be spent in such directions as we may direct in pushing whatever goods we think it for our interest to introduce. They are, thus, subject entirely to our orders and wishes, and any offers whatever, made by manufacturers, simply result in guiding their work in directions which may not meet with our approval. We feel that our salesmen have little enough time to push goods of our own manufacture, and for doing so they are amply repaid, and any outside offer from you or other parties is trespassing upon our rights as employers. It is likely, and, of course, a fact, assuming that you wish to grant us the rights above noted, that this method pursued by you is undertaken without the points we bring before you being considered by you.

It is getting to be quite customary among manufacturers to make direct appeals to the various salesmen in the employ of the jobbing druggists, and, as above noted, we consider it a trespass

upon our rights, and a direct interference with the methods we may wish to have them pursue. Salesmen who travel on the road and salesmen who remain in the salesroom, who may be employed on a commission basis, may properly receive and consider such proposals, but you do wrong if you do not divide and classify these salesmen, dividing them into two classes—those paid a commission and those receiving a direct salary.

We feel you have no right whatever to approach any of our salesmen, offering them inducements to introduce your goods without first having approached us and secured our approval of such a course.

It is our policy to instruct our salesmen as to the policy they should pursue in furthering our interests and spreading among our customers and the trade generally such information and inducements as we deem best, and any interference or offers of pay or commission from outside parties, is, as we have stated above, a direct trespass on our rights as employers.

We sincerely hope you will give this side of the question your serious consideration, and also that you will, in the future, address your business communications to the firm.

We address you in perfect good will, believing that this point has not been brought before you, and that when it is submitted to you, you will conduct yourselves accordingly, in our case at least. With kinds regards, we remain very truly yours.

I move that these communications be referred to the Board of Control, to be considered in connection with the report of the Committee on Commercial Travelers.

I really feel, personally, and I think there are a number of members in this organization who also feel, that this is a subject that should be given consideration. I certainly have had communications from several. Of course, the motion is before us, and any gentleman may object to having it go there at all, but the convention will decide. I think it is a communication received from a member whose communication deserves consideration, and I trust it will be received in the spirit in which I am sure it is offered.

DANIEL R. NOYES—Let it go before the Board of Control; it is an important matter.

The question being on the motion of Mr. Kline to refer the matter to the Board of Control, it was agreed to.

THE PRESIDENT—I would like to ask M. C. Peter if he is ready to report?

MR. PETER—I do not know that the Committee on Fraternal Relations is ready to make a report. Certainly, there is no written report. I think it has come to be well recognized in this Association, that the best work is done by the local exchanges, who take care of their own difficulties, and frequently make recommendations to us. I believe your committee can recommend encouragement of those local associations.

THE PRESIDENT—I will now call upon Mr. Hance to make his report.

## REPORT OF COMMITTEE ON LEGISLATION.

Mr. President and Gentlemen: The Committee on Legislation cannot report any accomplished legislative measures in the interest of the members of the Association since its annual meeting in Denver in 1895. The report then made indicated the line of work in which its efforts were chiefly directed.

No other subject has arisen during the year with so prominent a place in the immediate concern of so large and important a class of our members as that relating to alcohol free of tax for use in medicines and the arts. At the twentieth annual meeting in 1894 this Association approved the policy of free alcohol in medicinal compounds by the following resolutions. (See Report of Twenty-first Annual Meeting, page 59):

*Resolved*, That the National Wholesale Druggists Association earnestly deprecates the delay on the part of the Treasury Depart-

ment in issuing such regulations as will make available the recently enacted law for free alcohol in the arts and in medicinal or other like compounds, as it has already occasioned great uncertainty and loss on the part of those intended to be benefited by its provisions. We, therefore, respectfully urge that such regulations be promulgated without further delay.

*"Resolved, That the Legislative Committee be empowered to secure the services of such legal assistance as in their judgment is needed to carry out the foregoing resolutions."*

Following out the same policy, the following resolutions were adopted at the twenty-first annual meeting in 1895 (See Report of Twenty-first Annual Meeting, pages 65 and 141):

*"Resolved, That the National Wholesale Druggists Association approves of the course taken by its Committee on Legislation in the matter of free alcohol for medicine and the arts."*

*"That we declare our continued adherence to the policy of free alcohol; that the 'suggestions' framed by the committees of the National Wholesale Druggists Association, the Philadelphia Drug Exchange and the Philadelphia College of Pharmacy, are hereby indorsed; and that the next Committee on Legislation is requested to advocate these 'suggestions' in their effort for free alcohol, and to endeavor to secure regulations or legislation in the direction these 'suggestions' point."*

Thus instructed by these resolutions, and stimulated by the interest heretofore manifested by the Association in this question, by the confidence of the great benefits to accrue to the trade by relief from these onerous taxation, and by sense of the outrageous injustice of such a discriminating tax, your committee has diligently worked, in conjunction with others, to secure legislative and executive recognition of the principle of tax-free alcohol, for use in medicines.

At the beginning of the session of Congress, in December, 1895, the committee found themselves confronted by a very strong effort to repeal section 61 of the act of August 28, 1894, granting free alcohol for such purposes, and was compelled from the beginning to assume a defensive attitude, believing that anything accomplished, in the face of the active hostility of the Treasury Department, would be a subject of congratulation. This report, therefore, is a history of evil results prevented rather than of actual good accomplished, although even in this respect the results attained promise great benefit for the future.



Two bills were introduced in the House of Representatives to repeal Section 61; one (H. R. 3,114) by Representative McMillin, and the other (H. R. 3,282), by Representative Charles W. Stone. A bill to the same effect was introduced in the Senate (S. 1,280), by Senator Vest. The House bills simply proposed to repeal the law under which rebate of tax was granted. Senator Vest's bill went much further, and contained this additional clause:

"And no court or department of the United States shall take or retain jurisdiction of any claim for the rebate or repayment of tax, under the provisions of said section."

As Representative McMillin was a prominent member of the minority of the Committee on Ways and Means, and Senator Vest a member of the Finance Committee of the Senate, their simultaneous introduction of similar bills strongly pointed to the active intervention of the Treasury Department in the effort to secure a repeal of Section 61.

This committee, acting in conjunction with the committees from other trade associations, applied to the House Committee on Ways and Means to secure a hearing on the subject of free alcohol. This was granted on February 3, 1896. An elaborate argument was presented by Andrew B. Rogers of New York on behalf of the drug trade section of the New York Board of Trade and Transportation, and the chairman of this committee also was heard in opposition to the repeal. Others were present and was heard on both sides at the same time; afterward additional papers against the repeal were filed with the committee.

The arguments made at this hearing and the subsequent evidence presented were printed in the report of hearings before the Sub-Committee on Internal Revenue of the Committee on Ways and Means.

The committee were so far impressed by the arguments submitted at this time, and by the other efforts exerted by those favoring free alcohol, that the bill remained under consideration and discussion in the committee for nearly three months. While the bills openly presented in the House contained no such clause as that contained in the Senate bill, providing for a repudiation of rights accrued under existing laws, such amendment was offered in the committee, and strenuously resisted by the Committee on Legislation of this Association and others among the manufacturers interested. A circular letter was prepared and sent out by

the chairman of this committee to all of our members and to a very large number of manufacturers, as follows:

“ PHILADELPHIA, April 14, 1896.

“ Dear Sir—The Committee on Ways and Means of the House of Representatives has before it a number of bills on the subject of free alcohol in the arts. It is expected that it will report on this subject in a short time, but whether the report will be in favor of free alcohol for the future or against it is yet uncertain.

“ There is every reason for believing that a proposition will be made in the House to take away the jurisdiction of the courts over all accrued claims for rebates; thus effectively repudiating the claims. Unless the great injustice of this proposition is thoroughly understood by all the members there is serious danger that it may be adopted as an amendment to whatever bill is reported by the committee.

“ If you desire to save your rebates already accrued from forfeiture it is important that you should at once write to your member of Congress, sending him the inclosed argument and explaining the conditions in your own business which show the injustice of the proposed confiscation.

“ Bring out the particular facts confirming the general positions taken in the printed argument.

“ The forfeiture of the accrued claims is an entirely separate matter from the policy of free alcohol, and rests upon distinct grounds of good faith and national honor.

“ Your action, to be effective, should be taken at once, and others interested should also take similar action.

“ Yours respectfully,

“ EDWARD H. HANCE,

“ Chairman Committee on Legislation, National Wholesale Druggists Association.”

The committee also had an argument prepared on this point and distributed it generally in Congress and elsewhere.

The effect of this and other efforts made at the same time for the same purpose was decisive. The Committee on Ways and Means, by a narrow majority, voted against the repudiation clause, although the majority of the committee favored the passage of the repeal bill. The reasons apparent for the latter view were the failure of the existing revenue laws to provide sufficient income for the Government, and the declarations of the Treasury

Department that, under existing laws, they could not execute the provisions of section 61.

The report of the Committee on Ways and Means presented by Representative Evans, on April 22, 1896, H. R. 1444, Fifty-fourth Congress, First Session, discusses at considerable length the subject of free alcohol, and your committee regrets to have to say that its arguments are based upon a total misconception of the result of the policy of free alcohol, and are distinguished for their disingenuousness.

When the bill came before the House of Representatives an effort was made by Representatives Quigg of New York and Hill and Russell of Connecticut to secure an amendment to provide that section 61 should be suspended for a year, and that regulations should, in the mean time, be formulated. This effort was unsuccessful, and the repeal bill was passed, but without the obnoxious provision repudiating rights already accrued.

Even before the passage of this bill by the House, the Senate Committee on Finance had considered the repeal bill. It was before this body that the only bill openly proposing repudiation of accrued claims had come—the bill of Senator Vest. For some reason, however, that provision was entirely abandoned in the committee, and no one seemed at all anxious to assume advocacy of it. This happy result, your committee thinks, is in no small degree due to the work done by them in arousing general interest in the subject, since the proposition was one which could not stand open discussion.

The repeal bill was first proposed in the Senate to be made an amendment to the Sundry Civil Appropriation Act. This procedure was abandoned on account of its doubtful constitutionality, and the first attempt to pass it in the Senate was as a rider to the Fruit Brandy bill, which had already passed the House. Much opposition was shown to this by the friends of the latter bill, as it seriously endangered its passage, and the receipt from the House of the repeal bill caused this plan to be abandoned.

Those favoring free alcohol in the arts and in medicines were not idle, and amendments were at once introduced to the repeal bill by Senator Platt, of Connecticut, and others. One of these provided for executing section 61. Another comprised the entire tariff schedules of the McKinley act of Oct. 1, 1890, this being offered on the theory that the repeal of one part of the Wilson-Gorman Tariff act gave a fitting opportunity to rectify what

were considered to be its numerous imperfections, and that section 61 was so connected with its tariff schedules as to require simultaneous amendment.

Those pressing the repeal bill, seeing the determined attitude of opposition, then assumed a position of compromise, and, after numerous conferences, to the end that a protracted and acrimonious struggle might be avoided, it was accepted by all sides that there should be added to the repeal bill a provision creating a joint commission of both Houses of Congress to report to the next session of Congress as to the practicability of free alcohol in the arts and in medicines.

As thus amended, the bill passed the Senate without opposition, the House concurring, and the act received the President's signature on June 3, 1896. It is in these words:

"Be it enacted, etc., That section 61 of an act entitled 'An act to reduce taxation, to provide revenue for the Government and for other purposes,' which became a law Aug. 28, 1894, be, and the same is, hereby repealed.

"Sec. 2. That a joint select committee is hereby authorized, to consist of three Senators, to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, which select committee shall consider all questions relating to the use of alcohol in the manufactures and arts free of tax, and to report their conclusions to Congress on the first Monday in December, 1896.

"Said joint select committee is authorized to sit, by sub-committee or otherwise, during the recess or session of Congress, at such times and places as they deem advisable; to summon witnesses, administer oaths, print testimony or other information, and to employ such stenographic, clerical and other assistance as may be necessary, one-half of the expense to be paid from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives."

The joint committee appointed consists of Senators Platt, of Connecticut, chairman; Aldrich, of Rhode Island and Jones, of Arkansas, and Representatives Evans, of Kentucky; Russell, of Connecticut and McMillin, of Tennessee, with the distinguished tariff expert, Mr. Benjamin Durfee, as secretary, and Mr. Phelps, assistant secretary.

Your committee regrets that it has not accomplished all which might be desired in the way of free alcohol legislation or regulations, but can point to two serious dangers avoided: The first, an unconditional repeal of section 61, without promise for the future; and the second, a clause repudiating the claims accrued between Aug. 28, 1894, and the date of repeal.

Section 61, strictly construed, authorizes the allowance of rebate to the tax paid on alcohol used in medicine and the arts between Aug. 28, 1894, and June 3, 1896, both dates inclusive.

The act passed not only does not interfere with past claims, but it points quite definitely to the adoption by this country for the future of the system prevailing in all other countries, that of alcohol free of tax for the arts and medicines, to the fullest extent consistent with the protection of the revenues.

The joint committee has been actively at work during the present summer investigating trade conditions in this country and the laws and regulations of foreign countries in regard to free alcohol. The committee has already pursued its inquiries as to the conditions of trade in this country at various points, particularly New York City and Bridgeport, Conn.

This action of the committee is the result of a very careful examination of such of the foreign free alcohol laws as had been translated. This convinced its chairman that the status of free alcohol in foreign countries is the most important feature of the whole question, viewed from the Congressional standpoint, and it was therefore decided, if possible, to have a member or representative of the joint committee go to London, Paris and Berlin to secure special information of the highest importance.

An important feature of the work of the joint committee will be a careful study of the question of the possibility of demethylating spirits with profit; and in this connection have particularly inquired as to the character of all frauds and abuses which have developed, and how they have been overcome. The system of drawbacks and rebates on exports, both of foreign and domestic spirits, and especially with reference to any drawback operating as a bounty, will be closely studied, and careful attention will be given to ascertaining the line of demarkation between potable and non-potable liquids.

In addition to other general features, the joint committee have endeavored to secure important statistics, showing the different industries availing themselves of free alcohol; the total manufac-



ture and consumption of alcohol in each country; how much is used as a beverage; how much is manufactured with and without tax; how much is consumed in manufactures in which the spirits are destroyed; and finally, the cost of enforcing the laws and whether the expense is paid by the individual or by the Government.

In addition to the points outlined, the joint committee will pursue such lines of investigation as may be suggested, after the inquiry has proceeded far enough to develop other points. It is believed that the result cannot fail to be highly gratifying to those who favor a national policy of free alcohol.

What will be the result of the investigations of this joint committee it is impossible now to predict. The problem of free alcohol as affecting the manufacture of varnish, and other preparations not required for human consumption, is a comparatively simple one. All countries of Europe provide for the admixture of a certain proportion of methylic alcohol or other substance with the grain alcohol, and make it tax free.

Nearly all foreign countries grant tax free alcohol used in such preparations as sulphuric ether or chloroform, where, by chemical action, the alcohol is converted into another substance and cannot be returned into the form of alcohol. Germany, however, now recognized as the most active and dangerous seeker after foreign markets, has set an example of breadth and wisdom in its free alcohol laws which our Congress may well follow. The rule there is that alcohol is used free in medicinal compounds, except where the compound itself might be used as a beverage; but these are specifically designated in an excepted clause, while the rule is that in all medicinal preparations not enumerated, the alcohol is free.

Your committee can see no reason why the United States should be behind the foremost in this respect. The desirability of furnishing alcohol free of tax to the public in medicinal preparations is not questioned. If Germany and other European countries are able to protect their revenues by suitable provisions of law and regulations, our manufacturers ought to have the same privilege.

Propositions have also been made to the joint committee, by which alcohol, free of tax, should be permitted for use in all cases where the preparations are exported. In view of the experience of years in the administration of the customs drawback law, ex-



tended to a very wide operation by the McKinley act of Oct. 1, 1890, there seems no reason to doubt that this is entirely practicable. The effect of this on opening foreign markets to American manufacturers would be most beneficial.

It is hoped that this commission will not be led into recommending the complicated methods of foreign countries generally; nor the system of methylation. The latter would not serve the purposes of pharmacy, while the general restrictive and obnoxious regulations would debar almost all from the benefits of tax free alcohol.

It must be remembered that, if regulations are made, they should be of a character that would permit both large and small manufacturers to share in their benefits; it is essential to the drug trade that, so far as possible, all unnecessary espionage should be avoided. The members of this Association do not desire to have their special methods of work subjected to any danger of publication through unfaithful agents of the Treasury Department; yet it is to be said, to the honor and credit of our public officials, that with the many secret formulæ for preparing articles entered for drawback under the customs law, no complaint has ever been made that the confidential archives of the Treasury Department have been improperly exposed.

Your committee is strongly impressed with the opinion that, as between two methods of giving alcohol for use in the arts free of tax, either by making it free in the first instance or by granting a rebate of the tax on alcohol used, the second method is much to be preferred. If no tax is paid in the beginning, the entire manufacture must be carried on in bond and under the direct supervision of Treasury agents, and not until the completed article is placed upon the market will the manufacturer be free from the constant presence of the officers of the Treasury Department.

Under a system of rebate of the tax paid, the manufacturer, upon proving his purchase of the alcohol and establishing the quantity used in his manufactured product to the satisfaction of the Treasury Department, has done all that should be required of him.

In consideration of the foregoing facts, your committee believes that it would be wise to continue the advocacy of the policy of free alcohol by this Association.

It would recommend that the Association declare its unchanged opinion of the benefits that would accrue to medicine and the arts

through the use of free alcohol, and would suggest the adoption of the following resolutions:

*Resolved*, That the National Wholesale Druggists Association maintains its position in favor of free alcohol for medicine and the arts.

That it approves of the efforts in that cause that have been exerted by the past committees on legislation, and recommends the committee of the coming year to exert all possible influence toward securing free alcohol for medicine and the arts under such administration as will afford its benefits to the small manufacturer equally with the larger; and particularly to present to the joint Congressional Committee on Alcohol in the Arts such facts as they may be able to secure, as will warrant a recommendation in favor of this policy.

*Resolved*, That between the two systems, that which provides for the payment of rebate, or that which provides for the delivery of alcohol free of tax to the manufacturer under bond--the former, or rebated taxed alcohol, is the preferable; as being better adapted to the large majority of manufacturers, while at the same time it can likely be administered with safety to the revenues of the treasury.

We cannot close this part of our report without expressing our great obligation to Messrs. Joseph H. Allen, of DesBrisay & Allen, and their counsel, George A. and William B. King, who have been of incalculable benefit to trade interests involved in the free alcohol contention. It has been largely through the industry and intelligence of these gentlemen that congressional interest has been so widely awakened to the merits of this question; and it was on them that your committee depended for the history of alcohol legislation that has formed so large a portion of this report.

The trade has been kept well advised of the difficulties of alcohol legislation in Congress through the energetic Washington correspondent of the Oil, Paint and Drug Reporter.

This journal, with its usual enterprise, has devoted much of its space to the subject that is of such importance to a large portion of our membership.

Your committee feels that due acknowledgment should be made of the benefits thus conferred.

To give a detailed account of all the work performed would be tiresome to you. Therefore, some of the correspondence--more particularly that showing how the assistance of our members

was obtained and used, and that of others who have been assisting in the same line of work—is herewith appended in order that it may be published with this report, in the proceedings of this convention, for the information of those who are partially interested in this question.

The paper marked "A" is a letter, dated January 9, 1896, from this committee to Senator Justin S. Morrill, chairman of Committee of Finance, United States Senate, and Hon. Nelson Dingley, Jr., chairman of committee on Ways and Means of the House of Representatives.

That marked "B" comprises the suggestions those letters refer to. A copy of these letters was sent to each member of the Finance Committee and Committee on Ways and Means.

Paper marked "C" is a communication of January 18, 1896, to the Pennsylvania senators enlisting their interest in the matter of free alcohol and of forwarding the test case before the Court of Claims.

Paper marked "D" is a communication to Hon. J. S. Miller, Commissioner of Internal Revenue.

Paper marked "E" is a communication to each member of the Committee on Ways and Means of the House of Representatives, and that marked "E.i" is the paper spoken of as being inclosed. This was sent by the Philadelphia Drug Exchange to every member of Congress and to the members of this Association.

Paper marked "F"—which also has been repeated in the body of this report—is from this committee to each member of our Association and many other manufacturers. It was accompanied with

Paper marked "F.I"—the inclosure to which it refers.

Paper marked "G" forms part of a brief that was prepared for a New York manufacturer for use by senators in assisting them to form conclusions respecting the merits of the free alcohol contention.

Many inquiries have been made from time to time of the members of this committee as to the status of the litigation pending in the Court of Claims, for the recovery of the rebate earned between August 28, 1894, and June 3, 1896, on alcohol used in medical compounds. That subject has been fully treated in a report by courtesy made to this committee by the counsel employed by various members in the prosecution of these cases, and your committee recommends that they be invited to present their report of this litigation at the present time to the Association.

The following letter from one of our honored ex-presidents speaks for itself:

ST. LOUIS, Mo , Sept. 17, 1896.

*Edward H. Hance, Esq., Chairman Committee on Legislation, Philadelphia, Pa.*

Sir:—I desire to bring to the attention of the N. W. D. Association a matter that I think should receive the special attention of the Committee on Legislation.

The jobbing drug trade has for several years suffered a great loss and much annoyance from the selling of medical preparations that are protected by a patent right, or where the names and the combinations have been registered (either by the proprietors or their respective agents), which are being sold here in an underhand way.

Nearly all such articles are produced at a nominal cost in foreign countries, and are sent over here to the United States, where they are sold at perhaps ten times the market values at which they are sold for at the places of their production, or in other countries. These great variations in prices are tempting to some people, and they manage to bring them into the United States and sell them clandestinely to the retail dealers or large consumers at much lower prices than the jobbers can buy them at from the agents, as these are the only sources for the jobbers to obtain the said articles.

Take, for instance, the article phenacetine. This article, I believe, has sold as low as 5s per pound in England. It is brought here and twenty-five per cent. duty paid on the same, and the canvassers sell it to the retail druggists at 35c per ounce and even less. I have been told that some of these peddlers often make \$100 per day clear profit on such sales.

It is not only that we as jobbers, or the agents, are deprived of what legitimately belongs to us and to them, but that it is also a great demoralizing agency that is thus at work, and I am anxious that the same be stopped.

While I do not wish to express an opinion against the protection given to the discoverer of a medical preparation by a patent or copyright, I do consider that it is a great injustice that the people in the United States of America should be made to pay ten times as much for such medicine as the same can be purchased for in European countries, and hence I ask the attention of this body to this important subject, and hope that a special committee will be appointed to investigate the same in all its bearings, and try to improve the same. Respectfully submitted,

C. F. G. MEYER.

In conformity with the request made therein, the following resolution is proposed:

*Resolved,* That the President appoint a special committee to investigate the alleged irregularities in the distribution of certain foreign protected chemical or medical preparations to the disadvantage of legitimate dealers, and to suggest a remedy by which the interests of the jobbing trade will be equitably protected.

## BANKRUPTCY LAW.

Legislation on this measure, so important to the welfare of business interests, has again defaulted through the overshadowing political agitation which dominated the last session of Congress.

While the Torrey Bill—which grows in favor with business circles—was passed by the lower House, its failure to be reached by the Senate has again set it back to be acted on by the next session or some future Congress.

Among the communications sent by the Secretary to this committee for attention is one from the director of the Philadelphia museums, inviting our Association to select two of its members to take places in its Advisory Board. This committee would, therefore, suggest the following resolutions:

*Resolved*, That Prof. W. P. Wilson, director of the Philadelphia museums, be invited by the president of this Association to address us during this convention, at some convenient hour, to explain the scope and benefits of his institution to the commercial interests of the country.

*Resolved*, That the president appoint two of our members to serve, as the delegates from the National Wholesale Druggists Association, in the Advisory Board of the Philadelphia Museums.

Among the papers forwarded to the chairman of the Committee on Legislation by our secretary is a communication from Mr. George F. Stone, secretary of the National Transportation Association along with a copy of its constitution.

The objects of the Association are “to take such action as may be deemed expedient and for the interest of the commercial public upon questions which exist or may hereafter arise, bearing upon matters of transportation; and the establishment and maintenance of equitable relations between the public and common carriers.”

It consists of delegates—one from each commercial organization in the United States.

The admittance fee is \$50, and the expenses of the Association are to be defrayed by an equitable assessment.

As this matter would hardly be in the province of the Legislation Committee, we respectfully recommend that it be referred to the incoming Committee on Transportation for action. The papers have been returned to the hands of the Secretary.

Respectfully submitted,

EDWARD H. HANCE, Chairman.



Copy of letter to Senator Justin S. Morrill, chairman of Committee on Finance, United States Senate, and Hon. Nelson Dingley, Jr., of Committee on Ways and Means, House of Representatives:

PHILADELPHIA, Jan. 13, 1896.

Dear Sir:—I desire to place before your committee the protest of the National Wholesale Druggists Association against the Senate bill No. 1,280 when it comes before your body for consideration.

This Association consists of nearly all of the principal wholesale druggists, manufacturing chemists and pharmacists, and manufacturers of proprietary medicines—together with many allied interests—throughout the United States.

Its efforts have been long and constant in applying for relief from the enormous taxation imposed upon spirits employed in medicine and the arts.

Section 61 of the Act of Congress at last promised release from a burden which no other kinds of acknowledged legitimate business and industries were called upon to bear.

This commodity—which is an absolute necessity as a solvent in many industries—has imposed upon it a tax of, say, 800 per cent. of its untaxed price.

I submit that the exigencies of the Treasury can hardly be a justification for so discriminating against a small portion of our citizens.

It is generally supposed that the most influential opposition to the enforcement of the law emanates from the Treasury Department; which will feel the effects of the involved loss of revenue; states its inability to clearly construe the law, and fears the difficulty of making proper regulations for its enforcement.

In the endeavor to afford all possible assistance in executing this law, several of the most interested associations have formulated the attached "suggestions," which, thus far, have failed in stimulating any effort to place the law in effect.

Trusting that this protest will have your earnest and favorable consideration, I remain,

Yours very respectfully,

EDWARD H. HANCE,

Chairman Committee on Legislation, National Wholesale Druggists Association.



## SUGGESTIONS

OFFERED BY

The Committee on Legislation of the National Wholesale Druggists Association;

The Committee on Legislation of the Philadelphia Drug Exchange;  
Committee on Alcohol Legislation of the Philadelphia College of Pharmacy;

As a basis for framing a law or making regulations toward defining and rendering operative Section 61 of the Customs Law of 1894.

Indorsed at the annual meeting of the Philadelphia Drug Exchange, January 22, 1895

Indorsed at a special meeting of the Philadelphia College of Pharmacy, January 23, 1895.

Indorsed at a special meeting of the Drug Trade Section, New York Board of Trade and Transportation, January 28, 1895.

### "B." DEFINING "MANUFACTURER."

That the term "manufacturer" as used in Section 61 of the above mentioned act, and in these suggestions, shall be construed as meaning and including all those who purchase alcohol in original packages, as hereinafter defined, for the purpose of manufacturing products used in the arts or medicine, and who do not use the alcohol in the preparation of compounds that can be classed as beverages.

### "C." DEFINING ALCOHOL FOR MANUFACTURING PURPOSES.

That no spirit of less strength than eighty (80) per cent. above proof, or ninety (90) per cent. by volume, shall be classed by the Internal Revenue Office as alcohol for manufacturing purposes within the meaning of the act.

### "D." DEFINING ORIGINAL PACKAGE AND REGULATING THE STORAGE OF ALCOHOL.

All alcohol used in the arts or in the manufacture of medicinal compounds on which a claim for rebate of the tax is to be made must be purchased in packages, as put up by registered distillers, of not less than one-half barrel, and containing not less than twenty (20) wine gallons each. Such packages shall be considered

as 'original packages' within the meaning of the act. All such alcohol must be stored by the manufacturer, immediately on receiving the same, in an apartment separate from that in which alcoholic liquids of any kind are offered for sale, and each package must be marked distinctly, "For manufacturing purposes only."

"E." That every manufacturer desiring to secure the benefit of the act shall file with the Collector of Internal Revenue for the district in which the said manufacturing industry is located a notice of such intention, accompanied by a statement of the location of the factory, or apartment, and the character of the products in which the alcohol is to be used. For the faithful observance of the conditions of the law, he shall give bonds, to be renewed annually, to an amount proportioned to the quantity of alcohol likely to be used.

"F." That an accurate account be kept of all alcohol purchased for manufacturing purposes and of the class of products in which it was used.

"G." At the time stamps are surrendered and a claim made for payment of the rebate of the tax on alcohol used for manufacturing purposes, there shall be presented by the claimant a sworn statement setting forth the class of articles in the manufacture of which such alcohol was used—no such claim to be allowed until it is certified to as correct by the Internal Revenue officer deputized for this purpose.

"H." To protect the revenue against fraud by the manufacture of any compound that—under the guise of medicine—could be popularly sold as a beverage, the Commissioner of Internal Revenue shall refer a sample of the preparation to an expert connected with his office, for analysis, should he doubt the character of the product on which the manufacturer claims the rebate of tax on alcohol. Upon the report of this expert the Commissioner shall base his decision as to whether the manufacturer is entitled to the rebate. From this decision an appeal can be taken as hereinafter provided for.

"I." From the Commissioner's decision there shall be a right of appeal to a board to be selected by the Secretary of the Treasury from names submitted by the presidents of such associations as the

American Pharmaceutical Association;  
American Chemical Society;  
National Wholesale Druggists Association;

American Medical Association;

National Paint, Oil and Varnish Association;

each president presenting the names of three persons; not more than one to be selected from each association.

The board here provided for shall meet at stated intervals, in Washington, at the office of the Commissioner of Internal Revenue, to consider the appealed cases above provided for; and the decision of a majority of this board shall be final.

Protection to the revenue against the danger of illicitly reclaiming alcohol; selling the alcohol represented as having been used for manufactures, or other evasion of the law, to be afforded by the methods now at the command of the Internal Revenue Office for the detection of frauds.

Signed by the following Committees:

COMMITTEE ON LEGISLATION OF THE NATIONAL WHOLESALE DRUGGISTS ASSOCIATION.

Edward H. Hance, chairman, Philadelphia.

Horace M. Sharp, Philadelphia.

Horace Burrough, Baltimore.

B. F. Faurehild, New York City.

Albert Plaut, New York City.

Hugh H. Osgood, Norwich, Conn.

Arthur W. Claffin, Providence, R. I.

John A. Gilman, Boston.

Charles Cook, Portland, Me.

Wm. A. Robinson, Louisville, Ky.

Dr. R. V. Pierce, Buffalo, N. Y.

C. H. West, St. Louis.

Frank A. Faxon, Kansas City, Mo.

J. C. Fox, Atchison, Kan.

John B. Pureell, Richmond, Va.

Evan F. Lilly, Indianapolis, Ind.

P. P. Van Vleet, Memphis, Tenn.

Edw. H. Cutler, St. Paul, Minn.

A. R. Olney, Clinton, Iowa.

Wm. P. Reddington, San Francisco.

COMMITTEE ON LEGISLATION OF THE PHILADELPHIA DRUG EXCHANGE.

Edward H. Hance, chairman.

H. B. Rosengarten.

H. N. Rittenhouse.

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COMMITTEE ON ALCOHOL LEGISLATION OF THE PHILADELPHIA  
COLLEGE OF PHARMACY.

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George M. Beringer, chairman.

William McIntyre.

Robert England.

Rush P. Marshall.

Joseph W. England.

"J." For additional clerks and other officers to perform the additional work made necessary by Section 61 of the Customs law, an appropriation of———dollars be made; and the Secretary of the Treasury may make regulations assessing the cost of ascertaining title to exemption on the claimant, or of refunding, in proportion to the amount of rebate of tax claimed.

Copy of letter sent to Senators Cameron and Quay:

PHILADELPHIA, Jan. 18, 1896.

Dear Sir: The city of Philadelphia is very greatly interested in the subject of free alcohol in the arts, and I venture to address you on this subject, not merely as chairman of the Committee on Legislation of the National Wholesale Druggists Association, but also as a representative pharmaceutical chemist in the city of Philadelphia.

Section 61 of the Tariff act of Aug. 28, 1894, contains a provision that the tax upon alcohol used in the arts or in medicinal or other like preparations shall be rebated to the manufacturer, thus making alcohol free for purposes other than as a beverage. This provision is eminently just, since the heavy tax upon alcohol of nearly ten times its cost has always been justified upon the grounds of public temperance as much as upon reasons of revenue.

The Secretary of the Treasury declined to make regulations to carry this law into effect, because he said that additional legislation was necessary to enable him to do so. The manufacturers, however, continued to use alcohol, and have protected themselves by proper notice to the Internal Revenue officials, and have, almost universally, filed claims in the Court of Claims under Section 61.

A test case has been prepared, that of Robert Dunlap & Co., for alcohol used in the manufacture of stiff hats, and is now awaiting the action of the Department of Justice in preparing for its submission to the Court of Claims. Very great efforts have been made by those interested to secure the action of this department,

but so far without success. At the present time there is some uncertainty as to the date when the Attorney-General will prepare this case for submission, and some apparent division of responsibility between the Attorney-General and Commissioner of Internal Revenue.

I hope that you will be willing to make an effort to aid the manufacturers interested in this question by pressing upon the Commissioner of Internal Revenue and the Attorney-General the propriety of an early submission of this test case to the Court of Claims. This is a matter in which not only the drug trade are interested, but also the manufacturers of chemicals, varnish, stiff hats and many other articles in common use.

While the question as to the rights of the claimants is thus awaiting judicial decision, a proposition is made by Senate bill No. 1,280, introduced by Senator Vest, to repeal Section 61 providing for free alcohol in the arts, and, in addition, to take away the jurisdiction of the courts over any claims under Section 61.

I would ask your earnest efforts to secure the defeat of the bill of Senator Vest, and your assistance in giving to the manufacturing interests of Pennsylvania the relief hoped to be obtained through Section 61 of the customs law.

Very respectfully yours,

EDWARD H. HANCE,

Chairman Committee on Legislation, National Wholesale Druggists Association.

Copy of letter sent to the Commissioner of Internal Revenue:

PHILADELPHIA, Jan. 18, 1896.

*Hon. J. S. Miller, Commissioner of Internal Revenue, Washington, D. C.*

Sir:—In the Washington correspondence of the Oil, Paint and Drug Reporter, it is stated that the Attorney-General, before proceeding in the test case of Dunlap & Co., under Section 61 of the tariff act, providing for free alcohol, now pending in the Court of Claims, is awaiting an expression of the views of the Treasury Department as to the propriety of an immediate trial of that case.

This has been agreed upon by all the trades interested as the test case, and it only awaits the action of the Department of Justice for submission to the court. It is believed that the court is prepared to hear the case at any time.

As chairman of the Committee on Legislation of the National Wholesale Druggists Association, the responsibility is placed upon



me of advancing as far as possible, the interests of the members of the Association in the question of free alcohol in the arts. Under these circumstances I venture to invite your attention to the great necessity, both to the trades interested and the Government, of an early decision by the courts upon this case.

The conditions of trade are now unsettled by reason of the uncertainty as to free alcohol. Although this is granted by law, and the manufacturers expect to recover what they claim by their present actions in the court, yet the benefits of free alcohol in the way of promoting an extension of trade, particularly of the export trade, cannot be fully realized until the present uncertainty is removed.

The interests of the Government would seem to require, to an even greater extent, an immediate decision of this question. Every month of delay adds to the embarrassment in the final preparation and presentation of proofs.

For the reasons above set forth, appealing both to the Government and to the interested trade, I beg to request that you will, at an early date, advise the Attorney-General that it is your desire that the test case of Dunlap & Co. be submitted to the Court of Claims with all possible dispatch.

Very respectfully yours,

EDWARD H. HANCE,

Chairman Committee on Legislation, National Wholesale Druggists Association.

Copy of letters sent to each member of the Committee on Ways and Means of the House of Representatives:

PHILADELPHIA, March 10, 1896.

Dear Sir:—I indulge the hope that the important interests of all legitimately concerned in the use of alcohol for medicine and the arts will have your most earnest and conscientious consideration when action upon Section 61 of the act of August, 1894, comes up for attention by your committee.

There has already been so much written and said on the subject that I hesitate adding more to your surfeit.

But the points made in the inclosed circular of the Committee on Legislation of the Philadelphia Drug Exchange are so logical and forcible that they are worthy of your special attention.

As the representative of an Association embracing in its membership (distributed all over the United States) a large number of



business firms vitally interested in the subject of free alcohol, I feel it incumbent upon me to use my best endeavors to urge not only the retention of Section 61 in the laws, but also such Congressional legislation that will make the section operative.

Yours very respectfully,

EDWARD H. HANCE,

Chairman Committee on Legislation, National Wholesale Druggists Association.

Philadelphia Drug Exchange (Bourse Building).

FREE ALCOHOL.

PHILADELPHIA, Feb. 27, 1896.

Dear Sir:—Your attention is called to the following extracts from a report recently submitted to the Board of Directors of the Philadelphia Drug Exchange, by the Committee on Legislation.

Should you agree with the position taken, it is suggested that you write to the Senators and Representatives of your own State, and any others with whom you may be acquainted, as well as to the members of the Sub-Committee, of the Ways and Means Committee at Washington, urging that Section 61 of the act of August, 1894, be made operative, and that accrued claims be admitted and the tax paid be refunded.

EXTRACTS FROM REPORTS.

We have restricted ourselves to the consideration of two (2) points.

1. The enforcement of the law.
2. The recognition of accrued claims. These concern us most at this time.

We simply say that Section 61 is the law; that it is on the statute books, and that it should be enforced, without regard to the law being good, bad or indifferent, proper or improper, fully and intelligently considered by Congress in passing it or not.

It is in an act of Congress. It became law precisely the same as any other clause or section of the act.

Congress is the legislative branch of the United States Government.

It passed the bill. The bill was duly engrossed and signed by the proper officials of the two houses, and became law without the signature of the President after the requisite number of days had elapsed—all in order and according to the Constitution.

If Section 61 is defective, or in any way objectionable, the Congress of the United States alone is responsible

We ask for its enforcement so long as it is law. Others have so recently discussed the merits and demerits of free alcohol that we do not feel called upon to engage in this argument just now.

Later on we may have something to say as to this.

But we have not observed that any very striking precedent has been adduced to strengthen the demand that the law should be made operative.

Our object has been to supply such a precedent.

Anyone who will refer to Heyl's U. S. Import Duties, 1872, will find that the act of June 6, 1872, is given in full in the first place, and then dissected or itemized, as is always the method.

He will observe on page 152, two (2) regulations regarding fruit; one imposing a duty of ten per cent. and one giving free entry.

This is somewhat, but not entirely, like the present law which makes Epsom salt dutiable one-fifth of one cent per pound, and also puts Epsom salt on the free list. The difference consists in the absence of the words "not otherwise provided for" in the Epsom salt rate.

The items regarding fruit referred to read in this way:

1. Fruit, green, ripe or dried, not otherwise provided for, ten per cent.
2. (On line below) Fruit, plants tropical and semi-tropical, for the purpose of propagation or cultivation—free.

Fruit was given free entry for a period of about two (2) years, simply because the bill, as engrossed and signed, called for free entry to fruit, although the bill, as passed by both houses of Congress, called for free entry to fruit—plants.

The error of the engrossing clerk consisted in the use of a comma, instead of a hyphen, which separated the word fruit from the word plants, thus making two distinct names, instead of connecting them and making them one compound name or noun.

The bill as engrossed became an act, inasmuch as that was the document which was signed, and the act became the law, and the law was recognized, respected and enforced.

Under this law duties that had been paid were refunded.

Under this law free entry, as we have said, was given to fruit for about two years.

The act of June 6, 1872, was repealed by special act of Congress May 9, 1874.

Duties paid had been refunded. Suspension of repayment was not ordered until May, 1874.

These are the words:

"The Secretary of the Treasury is hereby directed to suspend the repayment of the duties heretofore paid on imported fruits until further legislation by Congress authorizing the same, or until the final decision of the Supreme Court, except in such cases where suits in court have been discontinued by instructions of the Secretary of the Treasury."

Without claiming legal acumen, but simply as laymen who can place two propositions side by side, and carefully compare them, we feel quite clear that our conclusions are correct when we say that Section 61 has far more claim to enforcement than the free fruit clause had, because, while both became law, and hence entitled to enforcement, the free fruit clause was due to a clerical blunder, and free entry to fruit was not intended at all, for it was not so passed by Congress; whereas, Section 61 stands on the statute books as passed, as engrossed and as signed by the presiding officers of both houses.

We also feel clear that if it was held to be correct to refund duties paid on fruit, it is at least equally so to refund the tax paid on alcohol.

Therefore, we say that Section 61 should be made operative, and that accrued claims should be paid.

The act of June 9, 1872, was repealed by special act of Congress May 9, 1874.

So may Section 61 be repealed, but we have nothing to do with this proposition at present.

The repealing act of 1874 said:

"And the error in the punctuation of the clause relating to fruit—plants in the fifth section of the act approved, June 6, 1872. entitled:

"An act to reduce duties on imports and to reduce internal taxes, and for other purposes" of inserting a comma instead of a hyphen after the word "fruit" is hereby corrected, and said clause shall read as follows: Fruit-plants, tropical and semi-tropical, for the purpose of propagation or cultivation."

Thus was a special act of Congress required, apparently, to

correct the clerical blunder of using a comma instead of a hyphen.

We hold, also, that whatever is covered by law should apply from the date of the law being made operative (not the date of the act itself) up to the time fixed upon for the enforcement of any law to repeal it.

Anything else is retroactive, and, in character, ex post facto.

Certainly this principle was admitted to be correct in the case of free fruit.

The date of the act — — — was June 6th, 1872.

The date of the enforcement of the act was August 1st, 1872.

The date of the repealing act was May 9th, 1874.

The date of the enforcement of the repealing act was July 1st, 1874.

By this, as is to be observed, free entry was extended to cover a period of nearly two (2) months beyond the date of the passage of the repealing act, which, most assuredly, was directly the reverse of attempting to go back to collect duties. And this action was taken in the face of the fact being well known that no intention whatever to give free entry to fruit had been announced, intimated, or in any way manifested by Congress in 1872.

The wording of this portion of the repealing act is as follows:

*"Provided, That the duties imposed by virtue of this amendment shall not be levied or collected upon fruits entered for consumption at any port of entry prior to July first, eighteen hundred and seventy-four."*

Therefore, to recapitulate we would give as our views of the case:

1. Section 61 is law, and as law should be enforced.

2. In the event of repeal, whatever was covered by the act of August, 1894, should hold good from the date fixed in the act by Congress for its enforcement, up to the date which may be named in the repealing act, by Congress, as the time for the repealing law to become operative.

3. Accrued claims should be recognized and paid by the Government, and inasmuch as the Secretary of the Treasury has failed to prescribe regulations, as directed, it would seem to be but carrying out the spirit, or the intent, of the act, for the Government to refund taxes paid by manufacturers, upon exhibit

and delivery of stamps, and upon oath or affirmation that the alcohol represented by the stamps was used for purposes designated by section 61.

Respectfully,

A. H. JONES,

M. N. KLINE,

H. N. RITTENHOUSE,

Committee on Legislation, Philadelphia Drug Exchange.

Members of the Sub-Committee of Ways and Means Committee are Hon. Walter Evans, chairman; Hon. Jonathan P. Dolliver., Hon George W. Steele, Hon. Benton McMillin, Hon. John C. Tarsney.

Members of full Committee of Ways and Means are Hon. Nelson Dingley, Jr., chairman; Hon Sereno E. Payne, Hon. John Dalzell, Hon Albert J. Hopkins, Hon. Charles H. Grosvenor, Hon. Charles A. Russell, Hon. Jonathan P. Dolliver, Hon. George W. Steele, Hon. Martin N. Johnson, Hon. Walter Evans, Hon. James A. Tawney, Hon. Charles F. Crisp, Hon. Benton McMillin, Hon. Henry G. Turner, Hon. John C. Tarsney, Hon. Joseph Wheeler, Hon. John L. McLaurin.

This letter was sent to all the members of the National Wholesale Druggists Association and many other manufacturers:

PHILADELPHIA, April 14th, 1896.

Dear Sir—The Committee on Ways and Means of the House of Representatives has before it a number of bills on the subject of free alcohol in the arts. It is expected that it will report on this subject in a short time, but whether the report will be in favor of free alcohol for the future or against it is yet uncertain.

There is every reason for believing that the proposition will be made in the House to take away the jurisdiction of the courts over all accrued claims for rebates, thus effectively repudiating the claims. Unless the great injustice of this proposition is thoroughly understood by all the members, there is serious danger that it may be adopted as an amendment to whatever bill is reported by the committee.

If you desire to save your rebates already accrued, from forfeiture, it is important that you should at once write to your member of Congress, sending him the enclosed argument, and explaining the condition in your own business which shows the injustice of the proposed confiscation.

Bring out the particular facts confirming the general positions taken in the printed argument.

The forfeiture of the accrued claims is an entirely separate matter from the policy of free alcohol, and rests upon distinct grounds of good faith and national honor..

Your action, to be effective, should be taken at once, and others interested should also take similar action.

Yours Respectfully,

EDWARD H. HANCE,

Chairman Committee on Legislation, National Wholesale Drug-  
gists Association.

REPUDIATION OF ACCRUED CLAIMS FOR REBATE OF TAX ON  
ALCOHOL USED IN THE ARTS.

*Argument Against Repudiation.*

Section 61 of the Tariff act of August 28, 1894 (28 Stat. L., 567; 2 Suppl. R. S., 330), grants a rebate to American manufacturers of the internal revenue tax upon alcohol used in the arts. The Secretary of the Treasury refused to pay this rebate and the manufacturers have sued in the courts to enforce the law and collect the rebates already earned by them.

The bill, H. R. 3282, introduced by Representative C. W. Stone, provides for the repeal of Section 61, thus abandoning the policy of free alcohol in the arts of the future.

An amendment has been proposed to this bill, to deprive all courts or departments of jurisdiction over claims for rebates which have already accrued under the existing law.

Whatever may be the policy of Congress for the future as to free alcohol in the arts, claims already accrued ought to be neither directly nor indirectly repudiated, for the following reasons:

1. The credit of the United States is pledged to the payment of these rebates. Section 61 of the act of August 28, 1894, is as much a part of that act as any other provision. When the act became a law the United States became pledged to carry out this section. By the refusal of the Secretary of the Treasury to execute the law the manufacturers have been forced to appeal to the courts for their accrued rights. To deprive the courts of jurisdiction is an effective confiscation of the rights promised them by the law.

In just such a case the Supreme Court declared that a contract existed between the United States and the claimant, and



entered a judgment for the drawback claimed (*Campbell v. United States*, 107 U. S. Reports, p. 411).

Whatever rights are now possessed by the manufacturers should not be forcibly destroyed by legislative fiat. This would be anarchy and not law. Let the courts have jurisdiction and protect all accrued rights. Any other course would be repudiation.

2. Accrued rights have uniformly been protected in the past. Section 72 of the same act of August 28, 1894 (28 Stat. L., 569; 2 Suppl. R. S., 333), expressly saves "any right accruing or accrued" under laws thereby repealed. Similar reservations are made by the general tariff acts of March 3, 1883 (22 Stat. L., 526), and Oct. 1, 1890 (26 Stat. L., 624), and the Customs Administrative act of June 10, 1890 (26 Stat. L., 142). The Administrative act just passed by the House, H. R. 7250, contains a like provision.

The rights protected by these acts are generally those of foreign manufacturers, acting through their resident agents, to recover duties improperly exacted and paid under protest. They sell their goods on duty-paid prices, often purposely seeking loopholes in the tariff acts to increase their profits. Yet no one has proposed to deprive them of their right to sue in the courts.

In the celebrated hat-trimmings cases the duty overexacted is more than \$50,000,000, and suits are now pending for this amount. Has any bill been presented to divest the courts of jurisdiction in these cases, where the real complainants are nearly all foreign manufacturers and where nearly all of the money recovered will be at once sent abroad? Yet it is now seriously proposed to take away the judicial remedy of the American manufacturers under the free alcohol law. This selects American manufacturers as the first and only victims of a new and revolutionary policy. Such a discrimination against our own people would be monstrous.

3. This is retroactive legislation. "Retrospective laws of every description neither accord with sound legislation nor the fundamental principles of the social compact," said the Supreme Court in 1798, speaking by a member of the Constitutional Convention (2 Dallas Reports, p. 397). Justice Story (*Constitution*, Sec. 1398) says: "Retrospective laws are, indeed, generally unjust." "Legislation of this character," says Judge Cooley (*Constitutional Limitations*, p. 370), "is exceedingly liable to abuse."

And some of the states have deemed it just and wise to forbid such laws altogether by their constitutions "

The Constitution of the United States declares that "No state shall pass any law impairing the obligation of contracts," and that "No person shall be deprived of property without due process of law; nor shall private property be taken for public use without just compensation." The amendment proposed, however ingeniously framed, is a defiant violation of every one of these principles.

4 Manufacturers have reduced the prices of their goods on the promise of this section. It is shown by an affidavit filed in the Court of Claims and printed in the Report of Hearings on Free Alcohol in the Arts, before the Committee on Ways and Means, p. 18, that the price of sensitized photographic papers was reduced to a cost basis on this very account. This is true in other trades. A prominent firm of wholesale druggists in Hartford has furnished the chairman of this committee with a list of prices before and after this law. Such common drugs as tinctures of arnica and rhubarb, elixir paregoric, extract of Jamaica ginger, and bay rum were reduced from 25 to 40 per cent. on the expectation of this rebate.

Shall the United States violate its pledge and repudiate its obligations to those who trusted congressional promises?

American manufacturers have been obliged to meet in South American and other markets the competition in price of English and German manufacturers, where free alcohol for exports is a recognized principle. Could they do this without selling on a like basis of tax-free alcohol? And shall Congress now break its promise and punish their enterprise?

5. American manufacturers using alcohol in the export trade had a choice of two methods to place themselves in foreign markets on an equality with foreign manufacturers who have free alcohol for export. Section 22 of the Tariff Act of August 28th, 1894, gives a right to a drawback of customs duties on any imported foreign-made ingredient used by an American manufacturer in an article which he subsequently exports. American manufacturers had a right under this section to import and use foreign alcohol; and, on exporting the manufactured article containing it, to receive a drawback of the customs duties paid on the alcohol.

On the other hand they could use domestic alcohol and rely upon recovering the rebate of internal revenue tax promised by Section 61.

Some manufacturers have used foreign alcohol and are receiving their drawbacks in due course, getting free alcohol on exported goods in this way (see Report of Hearings, pp. 9, 34, 35, 41).

Most of them have trusted the promise of the Government in Section 61, and have continued to use domestic alcohol (Report of Hearings, pp. 10, 34, 35, 36, 41, 42, 43, 44). The repudiation of this promise would punish them for using the domestic product and for their reliance on the pledge contained in the law. It would dishonor the credit of the United States. It would justify the opinions of those who had no confidence in Congressional promises.

6. Many manufacturers have agreed to give rebates upon varnish, chemicals and other articles, to their customers on recovery of the tax from the United States. The retail dealers and consumers thus protected have confidently relied upon this rebate. Commercial failures are bound to follow its repudiation.

7. The customs duty on some manufactured articles requiring the use of alcohol is less than the internal revenue tax on the alcohol used in them. Consequently it is cheaper for the wholesale user or dealer to import the finished article (made in Canada in bond with untaxed alcohol) unless he can have alcohol for such manufacture, free from internal revenue tax. This is the case with fulminate of mercury (see Report of hearings, pp. 8, 9). A prominent consumer of this article, it is there shown, on the passage of Section 61 of the act of August 28, 1894, ceased importing from Canada and began manufacturing in this country. He relied on the promise of Congress in this section to refund the alcohol tax.

It is now proposed to reward his confidence by preventing him from collecting his accrued and earned rebate. This is absolute dishonesty.

8. The amount of such accrued claims has been greatly exaggerated. In the report of the Attorney-General for 1895 (p. 42), it appears that up to November 1st, 1895, the total amount of claims filed in the Court of Claims was less than \$2,500,000, covering fourteen months of the operation of the law. That is the only safe guide to the amount which will be claimed, and would indicate that the admittedly vague estimate of the Commissioner of Internal Revenue is overstated.

9. This is not a question of amount. It is a question of honesty and good faith. It is hoped that Congress will treat

manufacturers with at least as high a standard of honesty as governs them in their commercial dealings. It will not be creditable to this Congress to reverse the settled policy of protecting accrued rights in order to inaugurate a policy of confiscation, beginning against American manufacturers.

Shall American manufacturers who had received the promise of Section 61 as a first sign of relief from the burden of the alcohol tax be met not only by a withdrawal of this relief but by a repudiation of accrued obligations?

Brief prepared for use by senators in assisting them to form conclusions on the merits of the free alcohol question:

The existing tax on alcohol or distilled spirits is the highest imposed since the civil war, except for the four years from 1864 to 1868. During that period manufacturers willingly paid the tax. It was patriotic to do so uncomplainingly, although it retarded the growth and development of many important industries, and especially the export trade. When the Wilson bill was under consideration by the Ways and Means Committee, the proposition to increase the rate of tax ten cents per proof gallon, which is equal to eighteen and a half cents a commercial gallon, of 94 per cent. pure alcohol, was regarded by manufacturers with great disfavor, and we have been informed that many letters were written to Congressmen, asking them to oppose it.

The Senate, however, as you are aware, raised the rate ten cents per proof gallon over the increase made by the House, which was equal to a total increase of thirty-seven cents per gallon on commercial alcohol. Many earnest protests were written to Senators by various manufacturers in New Jersey, New York, Massachusetts, Connecticut and other manufacturing states, when the Finance Committee reported in favor of additional increase in the rate of tax. It was announced that the policy of the Democratic party to raise the tax on alcohol could not be abandoned. The scheme was a part of their doctrine. It was antagonistic to the Republican theories in regard to taxation, and must be adhered to. But, on the other hand, free raw materials to manufacturers was also a part of their doctrine and when it was proposed to exempt alcohol used in industrial arts from tax, the idea found ready acceptance. The language of the section proposed by Senator Hoar was perhaps somewhat accidental. The term "arts and medicinal or other like compounds" may possibly include articles which Congress intended should not be embraced within the scope

of the law. The subject was, however, to be carefully considered in conference committee, and, if possible, the section offered by Senator Hoar was to be used as the basis of a law which should be acceptable alike to the Executive and the manufacturers.

There was nothing accidental attending the adoption of the principles contained in Section 61. When it was made a part of the tariff bill in the Senate its purport was clearly understood. We desire to make that point clear to you, because the opponents of the policy of free alcohol for the arts are continually asserting that its incorporation in the Senate tariff bill was accidental. Such statements are not true. Manufacturers who had protested against a further increase in the rate of tax on alcohol were informed that they would receive alcohol free of tax for manufacturing purposes. These assurances were accepted in good faith and prevented an organized movement to oppose an increase of 150 per cent. tax on the original cost of an article which is as much their raw material as pig iron is the raw material for manufacturers of steel rails. Such is the history of the present free alcohol law. The reason urged by Mr. Miller, the Commissioner of Internal Revenue, in defense of his failure to execute Section 61, in addition to the statement that Congress did not provide the necessary funds to pay the cost of supervision, etc., may be said to consist of the following:

1. Difficulty of determining with exactness the various articles embraced within the scope of the law.

2. Impossibility of preventing frauds on the revenue.

The first reason is only a subterfuge. The Commissioner knows that he possesses the arbitrary power to decline applications for payment of rebate on compounds claimed to be medicines but in reality beverages, and that his official decision would in nearly every instance be accepted as conclusive and final. A manufacturer of bitters, for instance, who by dint of persistent requests had received from the Treasury Department an official decision to the effect that his compounds were such as to relieve him from working under the statutes applicable to the rectification of liquors, would hardly seek for a judicial determination of the question as to whether the language of free alcohol law covered his products.

The opposition of the Treasury Department, and the knowledge that Congress did not intend to exempt alcohol from tax which entered into bogus medicines, would be sufficient in every



case to compel him to abide by the ruling of the Commissioner. The future success of his business, and the fact that his competitors would also be refused the advantages of the law, would deter him from appealing from the Commissioner's decision. We have treated of the first objection solely from the Commissioner's standpoint. Many experts in customs and internal revenue laws contend that the language of the law is not as broad as its opponents allege, and that little difficulty would be experienced on that score. The article on which the claim is made must be manufactured. There must be a sufficient process to constitute a manufacturer within the legal definition of that term. The Court of Claims recently decided that shocks imported from Canada and made into boxes in the United States did not constitute a manufacture within the meaning of the export drawback law. And we also recall a decision of the Treasury Department wherein they refused, under the Customs drawback law (Section 23, Tariff Act, Aug. 28, 1894), to allow a drawback on exported domestic cigars made from foreign tobacco on the ground that it would open the door for fraud. No appeal was taken on this decision to the courts, and it has not interfered with the allowance of drawback on tin cans made from foreign tin plate, and other articles on which drawback is now allowed.

The second reason urged by the Commissioner is the usual one urged by administrative officials when they appear before a legislative committee in opposition to measures which will come within their jurisdiction if enacted into law. The real motives for opposing it are always masked under the plea that it will open the door for fraud. A law complete in every detail, which would protect the Government at every point, might be offered, but only to meet condemnation. The order goes forth to oppose it, and the most effective way of killing it is to persuade the members of the committee that the prevention of fraud would be impossible. The necessity for a law is not considered. The possible development of many important industries counts for nothing as compared with the theoretical opinions of subordinate officers of the Treasury who anticipate the commission of fraud if the bill is enacted into law.

Respectfully submitted,

EDWARD H. HANCE,  
Chairman.



THE PRESIDENT—I will announce to following committees: First, on nominations of officers:

Thomas F. Main.

W. A. Robinson.

J. B. Purcell.

J. C. Fox.

George L. Muth.

Committee on time and place of meeting:

William J. Walker.

Daniel Myers.

W. J. Walding.

F. A. Faxon.

R. W. Powers.

THE PRESIDENT—Gentlemen, in stating that the very able report of the Chairman on Legislation should take the usual course, I deem it not out of the way to say, that we are all very grateful for the able work of the chairman of the committee. We all know that the duties of that chairman are quite onerous, and that it is work that will not show, and is therefore entitled to special consideration. At the request of Mr. Hance, I will call upon Mr. King to speak to us in connection with this report from a legal standpoint.

Mr. King then read his report.

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### MR. WM. B. KING'S REPORT.

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“Having been employed by a large number of the manufacturers holding membership in the National Wholesale Druggists Association to collect from the United States the rebate of tax on alcohol used in the arts or in medicines, as promised by Section 61 of the act of Aug. 28, 1894, we consider it proper to report to you at this time for the information of the Association the steps

taken in this litigation and the condition in which it now stands. Our employment is limited to the collection of the accrued claims, and is thus confined to action before the courts and executive departments, except as Congressional action may propose to take away the right of proceeding before these tribunals.

"At a very early stage in the history of this question it became evident to those experienced in the prosecution of claims against the United States Government that favorable action could not be expected in the Treasury Department upon claims arising under Section 61 of the act of Aug. 28, 1894. The only hope of securing payment was by presenting a test case to the Court of Claims, and securing, in the regular course of judicial procedure, a final authoritative decision by the Supreme Court of the United States upholding the validity of the law and the right of manufacturers under it.

"The first question to be determined was whether it would be sufficient to prepare and present a single test case, or whether several cases, representing different classes of manufacturers, should be prepared at the same time, so as to secure a decision upon a number of points at one time. This question was the subject of conference with the Attorney-General, and, while no direct opinion was expressed by him, his action indicated a preference that only one, or at most two, cases should be taken up at the outset.

"As this opened up a prospect for extensive litigation lasting over a series of years, it became at once apparent that the utmost care would be necessary in the preservation of evidence to sustain the manufacturers' claims, involving proof of the purchase of the tax-paid spirits, of its use in the arts, and of the exact quantity used. At some future time evidence would necessarily be called for, and ought to be readily accessible, and it should be such as should trace the tax-paid alcohol from the distillery to its actual consumption in the process of manufacture. Experience has shown that too great care cannot be exercised in preparing to meet the requirements as to evidence enforced in the trial in all suits against the United States. Our first care, therefore, was to see that every step taken by the manufacturers was guarded in such a way that no future question could arise upon the facts. The methods followed under official regulations in the collection of drawbacks of customs duties furnished a valuable guide to the true cause, proving the present claims in such a manner as to meet the very strictest technical requirements. The manufacturers in general were

alive to the necessity of care in the use of the alcohol and the proof of its use, and welcomed the receipt of specific instructions designed to perpetuate the proof.

"Several requisites seemed essential to a suitable test case. In order to reach the Supreme Court it must involve \$3,000; at the same time it must not be of such magnitude as to require an elaborately extended investigation of facts as a preliminary to the judgment of the court. The facts must be simple and susceptible of such complete proof as to leave no room for any question to be raised in regard to them. The case must be one which should present the chief question governing all the cases in its simplest form without involving any of the lesser questions not fundamental to the whole class. The chief question is whether, in the absence of the Treasury regulations, a manufacturer has a legal right to recover the rebate promised by the law. Other questions, such as the definition of articles not manifestly included in the definition of 'arts or medicinal or other like compounds,' the right to the rebate where stamps were not preserved, the definition of a 'manufacturer,' the determination whether the use was 'necessary'—all these should be left for the future, and should not embarrass the presentation of the chief question in the test case.

"If any other than this chief question should arise in the test case there would be danger that it might be decided on some less important point, and require the preparation of another case to settle the main issue.

"After a very careful consideration, the case of R. Dunlap & Co. was selected as the best possible test case. This is a claim for rebate upon alcohol used for a single purpose—the stiffening of hats. Unusual care had been taken in the use of this alcohol and the preservation of the evidence. The use was beyond question within both the intent and the letter of the statute. The case also clearly illustrated the injustice of taxing domestic alcohol used by our own manufacturers when competing with the foreign manufacturers, who pay no tax on the alcohol used by them. Testimony was accordingly taken in this case on behalf of the claimant, by ourselves as his counsel. The Assistant Attorney-General attended and cross-examined the witnesses with the most diligent care. Record evidence from the Internal Revenue Bureau was also obtained, and on the — day of May, 1895, the evidence for the claimant was closed. It traced the alcohol from the distillery through every hand until it was evaporated from the stiffened hat.

The sequel has so far amply justified the selection of this case. In spite of rigid cross-examination the proof of the facts was not weakened in the least. It is believed that the court will have no subject of contest before it but the fundamental question of law common to all the cases.

"Testimony had also been taken in another case, represented by other counsel, where the alcohol was used in the manufacture of a large number of medicinal preparations. Consultations were held, however, between the counsel in that case and ourselves, and it was concluded to defer the presentation of that case until a later period, and to rely jointly upon the Dunlap case as a suitable test case. The chief, and perhaps only, reason for this arose from the fact that the alcohol forming the subject of claim in the Dunlap case was used in a single article, and that its use was simply and clearly proved, while the other case, involving the use of alcohol in a very large number of different drugs, was more complicated in its nature, and would involve some contention as to the facts, as well as other points of law of secondary, although still of considerable, importance.

"Careful attention was paid to the preparation of the printed argument in the Dunlap case on behalf of the claimant, and this was filed in the Court of Claims (46 printed pages in length) on September 21, 1895. Ever since the preparation of this argument counsel have been diligent in pressing for an early trial of the case, and urging upon the Assistant Attorney-General the great commercial interests involved and the injustice of delay.

"Under the procedure in the Court of Claims no fixed time is set in which the Attorney-General must present the evidence for the United States, file his printed brief and argument, or submit the case on oral argument before the court. Since the Government is represented only by its public officers, the court is not inclined to allow the plaintiffs to take advantage of the delays which these officers may occasion. This case, however, seemed to us to present special reasons why the action of the Government should be hastened. Accordingly, after waiting what was considered a reasonable time, a motion was filed on January 30, 1896, to set the case down for early hearing, and an argument of twenty-three printed pages submitted in support of this motion, setting forth in detail many important public interests urgently demanding an early hearing of the case.

"An argument in response to this was filed by the Assistant Attorney-General on February 24, 1896. The court thereupon took the motion under advisement, but adjourned for the summer on the 29th of June, 1896, four months later, without announcing a decision. Unless the court should, in accordance with the motion, order the case for hearing at a definite date, it cannot be heard until the Attorney-General announces that he is ready. The Treasury Department has publicly announced that it is not desirous of delaying the hearing of the case.

"The counsel for the claimants cannot state what action has been taken by the Attorney-General in the way of defense, except as voluntarily disclosed to them or to the public press. It is known, however, that the Attorney-General's assistants regard the laws of foreign countries as of great importance and have displayed much interest in the publication now being made by the Senate Committee on Finance on that subject. They also consider the facts which will be developed in the report of the Joint Committee of Congress on free alcohol in the arts to be material. It may be that an effort will be made to delay consideration of the case in the Court of Claims until after the report of this committee.

"On the 20th of June, 1896, the first public step in the preparation of the defense by the Government was taken by calling as an expert witness for the defense Hon. George W. Wilson, Deputy Commissioner of Internal Revenue. His examination took place in the Treasury Department, and he was presented as an expert witness in order to prove that it would have been impracticable to carry out the law as it stood on the statute book, without supplementary legislation by Congress. He presented, in support of this, a statement, elaborately prepared in the Internal Revenue Bureau, setting forth the estimate that nearly ninety thousand persons in the United States would have qualified as manufacturers, and claimed to take advantage of the free alcohol law, if enforced.

"An elaborate cross-examination resulted in demonstrating that the witness, though an experienced and capable officer of Internal Revenue, had no personal acquaintance, either with the use of alcohol in the arts, or with the refund of taxes under the similar and related Customs Drawback law. It was also shown that the official statement by which he attempted to support his views was prepared by a clerk in the Treasury Department with-



out practical knowledge of the use of alcohol in the arts, and that its statements were greatly exaggerated. It is believed that the object of this testimony was not accomplished, and that if the Government seeks to establish any such position it must be by other testimony. Where or how such testimony can be obtained it is impossible to conjecture.

"Enough has now been done to foreshadow the defenses to be made by the Government.

"The first is that Section 61 of the act of August 28th, 1894, was incomplete in itself; that, in the absence of an appropriation to give life to the law, it was mere imperfect or inchoate legislation, and that no legal rights accrued to the manufacturers without such appropriation.

"The second is that, even were the law complete in itself, the existence of any right to rebate was conditioned upon the making of regulations by the Secretary of the Treasury. In the absence of regulations—so it will be contended—no rebate accrued.

"What will be the ultimate decision of the Court of Claims and the Supreme Court upon these questions we, of course, cannot predict with certainty. In our opinion the doctrine laid down by the Supreme Court in the case (familiar to many of the members of the Association) of Campbell against the United States, reported in Vol. 107 of the United States Supreme Court Reports, is decisive of this case; and an adherence to the doctrine of that case would require a decision favorable to the present claimants. The Government, in view of the large amount of money involved, will resist the favorable decision of the test case by all possible arguments which astute counsel can discover. We entertain the expectation, however, that the courts will decide all these defenses to be ill-founded, and will declare that the failure of an executive officer to execute a law does not nullify the rights intended to be conferred by Congress.

"The introduction in the Senate in December, 1895, of the Vest bill, taking away jurisdiction from the Court of Claims or any department of the Government of claims arising under Section 61, aroused grave apprehension. While there were grounds for contending that such a measure would be unconstitutional, if passed, yet it was adroitly framed to avoid an objection of this kind, and we were not willing to take the risk of its passage. It seemed apparent that the American Congress could not approve a course equivalent to repudiation, if its



nature were once fully made known. We therefore communicated with the Committee on Legislation of this and other associations interested in the same object, and advised them of the necessity of adopting prompt measures to prevent annulment of the claims. Most active co-operation was given, with the result that the proposed repudiation was defeated.

"Even an absolute repeal of this law could not be viewed with entire equanimity in its possible effect on the accrued claims. To repeal it, without qualification, might seem a sort of legislative declaration that the law was impracticable of execution. The measure, however, in the shape which it finally took in the act of June 3d, 1896, looking, as it does, to the perpetuation of the policy of free alcohol in the arts and in medicines, relieves the situation from this danger, since these provisions go far to indicate legislative approval of that policy. We are therefore satisfied that the action of Congress, as taken, can have no effect prejudicial to the accrued rights of manufacturers to the rebate.

"The question was frequently discussed, while the repeal bill was pending in Congress, whether it would not be necessary to have attached to it a provision similar to that appearing in some of the tariff acts, reserving all rights accrued up to the date of its passage. Such a clause, though perhaps desirable, was, in view of other provisions on that subject, not at all necessary. While no special saving clause appears in the act of June 3, 1896, accrued rights are protected by the general terms of Section 13 of the Revised Statutes of the United States, as follows:

"The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability."

"It is believed that this effects the same result as a special provision inserted in the repeal act. This understanding was freely expressed in Congress by opponents as well as friends of free alcohol.

"When the Dunlap case can be heard, unless the preparations of the Government's defense is unexpectedly accelerated, is not at all certain. Past delays and the apparent hesitation of the court to issue a peremptory order to the Attorney-General for an early hearing only add to the uncertainty. The great number of per-

sons interested in the case is a strong reason why it should be decided as soon as possible; but there is another reason which especially emphasizes the importance of an early hearing. These claims are nearly all held by men in active business life. Nothing so embarrasses business as uncertainty. Yet, until the courts decide the test case no manufacturer can tell whether he can rely upon his claim as an available asset. The Government should relieve the business interests concerned by uniting with the manufacturers in hastening an early decision. We can only undertake that, bearing in mind the great importance of the interests confided to us, every effort shall be made to secure a hearing at the earliest possible date.

"When the Attorney-General announces his readiness to go to trial with the test case the Court of Claims will probably set a day for its hearing at once. After the hearing the court will probably take from thirty to sixty days in the consideration of the case before announcing its judgment. Ninety days, which need not all be consumed, are allowed for taking an appeal to the Supreme Court. In regular course a case docketed in that court is not reached for over two years, but it is usual to advance cases of the importance of this, upon motion of the Attorney-General, made by him in his discretion. If advanced, the case might be argued and decided by the Supreme Court within three months of docketing the appeal, or even less.

"From this review it is apparent that any prediction as to the exact time of final decision of the test case would be a sort of prophetic guesswork.

"If the test case is decided by the Supreme Court in favor of the claimant, means will then have to be adopted for the settlement of all other claims. It is our judgment, based upon experience in other like classes of cases, that the Treasury Department will not undertake the settlement of such claims, but that they will all be passed upon by the Court of Claims, some reasonably expeditious method being adopted. This will probably be through the appointment of special commissioners of the court to travel from place to place to take testimony in relation to the claims and report the amount established to be due. Their reports will be sent to the court in Washington, and, unless controverted questions of law or fact arise, judgments can probably be entered in favor of the individual claimants on the reports of such commissioners, to be followed by appropriation by Congress and the pay-

ment of the judgments. Judgments of the Court of Claims are uniformly appropriated for by Congress at each regular session, and (except for some in favor of the Pacific railroads) none are now unpaid. The judgments, which are looked for in these cases, are binding upon the United States with the same moral effect as a judgment between private individuals, and differ very widely from the yet unpaid 'findings' of the same court in the French spoliation claims. If judgments are obtained, experience teaches us that an appropriation will follow as a matter of course.

"The experience of many years in the conduct of litigation to which the United States is a party has shown that delay is the danger most to be feared, and yet one which can nearly always be overcome with patience. The delays and difficulties of such litigation, especially in cases of great financial importance, uniformly exceed all expectations. One difficulty overcome only opens the way for another. Ingenious counsel devise objections and the whole power and authority of the Government supports them. Yet in the end, under a fixed system of judicial procedure, the case progresses to a conclusion, and, where impartial courts can entertain jurisdiction and render judgment, justice is finally done, in spite of the long delays. Such experience encourages a confident hope of success in your behalf in the present undertaking."

MR. SCHNEIDER—I was going to say this extended report of the chairman of the committee I think irrelevant. There is a law on the statute books that alcohol used in the arts and sciences shall be free, and President Cleveland does not carry out the law. We can hire all the lawyers in the United States and never collect a cent. It is just the same as in civil life, you will have to get a judgment against a man before you can collect it. You never can get your money in this case. There has been a good deal of talk about this thing, how we can get our money, but the law is not carried out on the statute books and is entirely different from the laws on the statute books for collecting bounties on sugar in Louisiana. The law interferes with the Government, and the Govern-

ment refuses to pay the bounties, and you will have to carry your case to the Supreme Court to collect your money, so that this talk don't amount to anything.

THE PRESIDENT—The Chair would like to say that it does not understand that the report of this committee is yet before the house for discussion.

The report will go to the Board of Control first.

MR. FRISBIE—I have several resolutions to offer, and I will read them:

Whereas, claims against the Government have accrued to about three thousand manufacturers resident in all parts of the United States, to the amount of several million dollars, for rebate of the tax upon alcohol used in the arts and medicines under Section 61 of the act of August 29, 1894.

And whereas, the test case of R. Dunlap & Co., involving the validity of claims under Section 61 of the act of August 28, 1894, has now been for more than a year completely prepared by the claimant and waiting action of the Attorney-General in the preparation of the defense:

And whereas, business conditions have existed of unusual severity during the past two years, requiring that every possible asset should be available to manufacturers and others engaged in business enterprises;

And whereas, until the decision of this test case uncertainty must exist as to the validity of those claims as assets and such uncertainty will continue until the decision of the test case;

Now, therefore, be it resolved, by the N. W. D. A., That the Legislative Committee be instructed to use all proper means to advance the hearing of the test case of R. Dunlap & Co. before the court adjourns,

and particularly to urge upon the Attorney-General the propriety and justice of immediate preparation of this case for hearing.

Mr. Chairman, in presenting these resolutions, it is simply with the idea, through our Association, to in some manner endeavor to have a case expedited. The matter has been presented so forcibly and so clearly and so logically by Mr. King, that it leaves scarcely anything for me to say on the subject. We are constantly meeting with disappointment and delay. This case has been presented and has been before Government for eighteen months.

THE PRESIDENT—The resolution is before you. What will you do with it?

A motion was made that this resolution be referred to the Board of Control.

A MEMBER—Is that the usual course to have it go before the Board of Control before being acted upon here?

THE PRESIDENT—The matter is entirely, as the chair understands it, in the hands of the meeting.

MR. KLINE—I think it is usual, for the reason that the subject referred to is the same subject which is referred to by the report of the Committee on Legislation. They are in this organization, and the rule is that these matters coming in here in connection with a lengthy report, such as the very able report of the chairman of the Committee on Legislation is, such as the report of the Committee on Proprietary Goods is, should be digested in connection with the same subject before the Board of Control, and, having been so digested, should be brought back in concise form for our action. The experience among the elder members of the Association under the old regime—I



am not the father of the Association—was that we did not have the time to discuss and consider this in open meeting, and the proceedings were very much simplified by this course.

THE PRESIDENT—The Chair is of the opinion that while that has been the procedure, there is nothing to enforce it or to make it in any way obligatory, and the Chair is still of the opinion that it is for the convention itself to decide this question.

MR. FRISBIE—Mr. Chairman: I think there is no question but that we all desire full and free discussion on all subjects presented. That certainly is the idea in presenting this report. It will be reported back from the Board of Control, and then we will have an opportunity to discuss it, and I move that it be referred to the Board of Control.

Motion put and carried.

THE SECRETARY—I have a communication to read, The following gentlemen have been appointed by Mr. John A. Myers, president of the Ohio State Pharmaceutical Association, to represent their association at the annual meeting of the N. W. D. A. at this meeting:

Daniel Myers, Cleveland.

W. J. Walding, Toledo.

THE PRESIDENT—Gentlemen: It is always pleasant to have these retailers with us, especially as when in the present case they are strangers to us, and if either of these gentlemen is present we shall be glad to hear from him at this time. We extend to them the courtesies of the floor and hope they will take advantage of this opportunity.

I would like to ask if Mr. Frisbie is ready with his report from the Committee on Transportation.

Mr. Frisbie then read his report.



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### REPORT OF COMMITTEE ON TRANSPORTATION.

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Mr. President and Gentlemen: Your committee early in the year made diligent effort to obtain information from members regarding their interests in transportation, but found a great deal of indifference, and to all the inquiries sent out, the chairman received but one encouraging reply.

Upon examining previous reports we find that in 1890, of 340 members 282 were so indifferent to the subject that they made no reply whatever. After careful inquiry we are led to believe that there is but little interest taken in this subject, or, if there is an interest, it is so carefully concealed that it appears to us like indifference. If anything beneficial is to be attained, it must be through a process of education; therefore, a Committee on Transportation created in the ordinary manner and newly appointed each year can be of little service.

In our correspondence with the "powers that be" we have received very polite attention, courteous but cautiously worded replies that do not commit the writers.

We believe if benefits are to be derived that they can only come through a permanent committee. We would, therefore, recommend that a committee of twelve be appointed, four to serve for three years, four for two years and four for one year; that each year following four members be appointed to serve for three years each. A committee appointed on this basis with power to expend a reasonable sum of money may accomplish some good.

We certainly wish them greater success than the present committee has had, and more tangible results than have been attained even with the exhaustive reports submitted by previous committees.

Respectfully submitted,

E. C. Frisbie, Chairman.

THE PRESIDENT—I will at this time call for the report of Mr. F. A. Faxon, chairman on the Committee on Box and Cartage.

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### REPORT OF COMMITTEE ON BOX AND CARTAGE.

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In his address to the National Wholesale Druggists Association at its meeting in Denver a year ago, President Main in refer-

ring to the box and cartage question, clearly expressed himself as follows:

"There can be no question that the charge for box and cartage is a just one. It is a rule throughout the civilized world that where original packages are broken for the convenience of the customer he is to pay cost of repacking. To break bulk and to repack costs money. This increased cost can only be provided for, either by adding to the selling price of the article or by making a direct charge for the service. The latter seems to me to be the most common sense method, and one that should be preferred alike by the buyer and seller."

In line with a suggestion made by President Main, it was resolved that a regular Box and Cartage Committee be appointed by the incoming president, which should receive special instruction to make a tour of the Eastern States, and endeavor to bring the Eastern part of the country into harmony with the Western sections on this important matter.

One of the first acts of President Eliel was to appoint a Box and Cartage Committee, as follows: Frank A. Faxon, chairman, Kansas City; C. F. Weller, Omaha; J. C. Fox, Atchison, W. J. Walding, Toledo; J. R. Owen, Chicago.

In the month of November following, the committee started upon its mission, President Eliel kindly accompanying. Mr. O. F. Fuller, of Chicago, who happened to be in the East at the time, generously offered his services to the committee, which were gladly accepted. The committee visited Baltimore, Philadelphia, New York and Boston. At the latter place they had the satisfaction of meeting the members of the New England Drug Exchange.

While promoting by personal canvass the work in the cities above referred to, correspondence was had with interior jobbers of New York State, New Jersey and elsewhere, and by the middle of December every jobbing druggist east of the Alleghany Mountains had signed the following agreement: "We, the undersigned, wholesale druggists of———, agree to reinstate the charge for boxing and cartage, Jan. 1, 1896, provided the charge is reinstated by all our competitors. The charge for this service to be determined upon by local agreement."

On the 17th day of December the committee issued a notice to the trade, in part as follows:

"The East will, on Jan. 1, 1896, fall into line with the West on the box and cartage question. All of the wholesale druggists east

of the Alleghanies have agreed to reinstate the open charge on above date. In the West this has always been done, with the exception of one brief intermission in a few cities. The Boxing and Cartage Committee appointed by the President of the National Wholesale Druggists Association, with special instructions as provided for at the annual meeting of the Association in Denver, made a tour of Eastern cities in November last. They were accompanied by President J. C. Eliel, of Minneapolis, and Mr. O. F. Fuller, of Chicago. In every city visited the committee was most cordially received. A large majority of the jobbers called upon, expressed themselves at once as being in hearty sympathy with the proposed reform. Two or three thought that the change would involve some difficulties, but they promised to adopt the system and give it a fair and thorough trial. The principle of a reasonable charge for any legitimate service performed is in line with sound business doctrine.

"The Eastern jobber in making this change may at first encounter some difficulties, but they will be fewer than he possibly anticipates. A little patience and persuasion may be necessary; a little faith, perhaps, in the well meaning of his competitor. The enforcement of rebate terms on proprietary articles causes some friction, but on the whole the plan is a most valuable one, and we could ill afford to abandon it. The charge for the boxing and cartage service may be determined upon by local agreement, but it is not to be expected that any exact system of absolute uniformity can be adopted. The important thing is to establish the principle of making an open charge. In some Western cities the minimum charge for cartage is twenty-five cents; in others, ten cents. As a general thing, every concern makes its own charges for these items, and, as a rule, there is little complaint.

"In the Missouri Valley Association there is simply an understanding that a reasonable charge be made for the service, and one jobber rarely has cause for complaint against another. All jobbers in these cities charge for the service, and, as the amount charged is one per cent. more on the gross sales, they feel as others do throughout the West—that they cannot, in these times, afford to ignore these items. Two years or more ago in certain Western cities, the reinstatement of the charges was made after an intermission of some months, and a card like the following was simultaneously mailed by all the listed houses to their country customers: 'Notice—On and after March 1, 1893, we will charge

for boxing and cartage sufficient to cover the cost of such service. Feb. 27, 1893.'

"The retail trade in the section affected accepted the situation with few protests. They probably recognized the justice and reasonableness of such action. They doubtless did not believe in the proposition—'A clam with every drink.'

"The committee would assure you that the jobbers of the East are in earnest in this matter, and are determined to give the promised change an honest and earnest trial.

"The committee would suggest that the jobbers in the different trade centers get together at once and agree on some plan of procedure. The important thing, perhaps, is that all shall send their advices to the trade at the same time, that their patrons may know that the movement is general."

Everything seemed all right. The committee had worked long and hard, and were congratulating themselves upon the successful issue of their mission. They were told before starting that they could not accomplish what they were undertaking, but they felt that they had scored a complete victory, and were in receipt of many congratulations from different sections of the country.

On December 28th, only three days before the agreement was to go into effect, the chairman received a telegram from a friendly jobber in Boston stating that a certain house there absolutely refused to join with the other jobbers in any local agreement, stating that they would have nothing further to do with the matter; that they would continue to make free box and cartage, as heretofore. The chairman immediately telegraphed to this firm, expressing a belief that there was some misunderstanding, and offering the personal services of the committee if they so desired. Promptly came back the answer: "Our withdrawal due to local causes; no reconsideration possible."

This firm was the first one in New England to signify their readiness to sign the agreement, stating through their vice-president, that they had always been in favor of this because they believed the charge was a right and proper one. They preferred not to place their names first upon the agreement, and as a matter of fact, were the fifth firm in New England to sign. Had this firm not given favorable expression when the committee first called upon them the effort to secure the co-operation of the East with the West would have been abandoned.

Almost simultaneously with the Boston telegrams came others from New York stating that under the circumstances it would be useless to proceed further in the matter. And in order to place all Eastern jobbers on the same basis, and to relieve any and all of them from the expense and embarrassment of sending out notices, which would have to be almost instantly recalled, the chairman advised all by wire that Boston and New York were out of line, and they could individually take such action as seemed best to them.

This, in brief, is the story. The situation is the same now as it was a year ago. The East is not making an open charge for boxing and cartage. The West—believing that is more satisfactory to the retail trade to know just what these two items cost them—are making a separate charge, and this custom seems to be received by the retail dealers with satisfaction generally.

The committee has nothing to recommend at this time; it believes that further efforts in this direction throughout the East would be for the present at least, utterly futile.

Very respectfully,

FRANK A. FAXON, Chairman.

CHARLES F. WELLER.

WILLIAM J. WALDING.

J. C. FOX.

J. R. OWEN.

MR. KLINE—Will you permit me at this time to make an announcement, and also give me a moment—you were kind enough to state yesterday, that the announcement I made then in reference to certain legal papers that had been presented to the members of the Association was, in your opinion, so important that I should again this morning make it, when a large number of members were present, and probably now as large a number as will be present are here, I want to add to what I said then, that my information from counsel is that the members who have been served with these papers need not concern themselves in any way about it, excepting, possibly,



to inform me before they depart whether they are willing that the counsel who has hitherto served the committee shall represent them at this hearing. If so, they need not take any further steps in the matter.

I also asked the question whether at that hearing the gentlemen who have been served have to come to Philadelphia, and the reply was that it was not necessary for them to come, unless it was necessary to have some of them as witnesses.

Now, while I am on the subject, I would like to refer to one or two matters which are contained in the advance copy of the matter that was here in the *Pharmaceutical Era*, to which my attention has been called this morning, and which I think many of the members probably will take up. One of the statements made there has evidently been suggested by the gentleman who so ably represented Mr. Park in the East, who has not, according to the best of my advices—and I cannot go behind them—been particular to confine himself to what are ordinarily regarded as facts in his statements. That Mr. Park had been invited to come into the ranks of the Association, I think maybe true, but that inducement was held out at the time that we should make him a great man in the Association, I say unqualifiedly is not true, because it is not within the power of this Association or any number of men in this country to make out of him a great man. (Applause and laughter.)

In the next place, I want to call attention to what is referred to in this article. What is the motive back of this second attack upon the members of our organization, or, I should say, the organization itself? The real motive for bringing suit is, I believe, to be to



create a panic in the ranks of the Association. Mr. Park seems, it is said, to cherish the idea that he can break up the Association if he can only cause the defection of 20 or 25 per cent. of its members. I think that that statement is absolutely correct as to the reason which these parties have for spending so much time, and so much money, and so much energy in this direction. I don't think it necessary for me to make any remarks as to the probability of his success. I am glad to see also, owing to the well-known hospitality of this city, or which is probably more likely to be correct, the intense interest which our members at this time feel, particularly in this part of our work. the attendance upon this meeting is larger than any we have had since its organization, and so far as I have been able to form an opinion, the likelihood of a defection or the likelihood of retreat under fire at this time is exceedingly improbable.

THE PRESIDENT—If the Committee on Adulterations are ready to report, we will hear from them at this time.

MR. WELLER—Mr. Evans is not here, but I have his report.

THE PRESIDENT—I have the report here on Paris green, but the chairman is not present.

MR. NOYES—I move that the paper be read by the Secretary.

So ordered.

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#### REPORT OF COMMITTEE ON PARIS GREEN.

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As our members are aware, for a number of years prior to 1896 Paris green had been sold by the manufacturers to the jobbers under a rebate agreement.

For some little time it had been evident to this committee that the associated manufacturers were having some difficulty in

controlling some of their own members, and also in preventing new manufacturers from starting up and foreign goods from coming into the United States.

It therefore was not a surprise when, at the beginning of this year, in a response to a communication from this committee, the Paris green Association stated that the market would be an open one, and that each manufacturer would "play it alone."

Realizing that an article of the nature of Paris green should pay the jobber a fair margin of profit, and knowing that in former years an open market had resulted in almost no profit at all, your committee concluded that it would be wise to endeavor to adopt some plan which would insure at least a living margin.

With this in view, your chairman visited Chicago for the purpose of ascertaining whether or not it would be possible to induce the trade of that city to agree to a schedule of prices, to be maintained until this committee should decide that it was necessary to make a change. The Chicago jobbers who were members of this Association, as well as those outside of the fold, all agreed to the schedule which was at that time formulated.

With this argument as a nucleus, the members of the Lake Erie Drug Exchange and the O. K. & I. Exchange were approached, and also agreed to maintain the schedule.

Your committee then issued the following circular to all of the members of the National Wholesale Druggists Association:

"As this year the manufacturers of Paris green will not render our Association any assistance in maintaining a price which will afford us a profit, it has become necessary to take an independent course to accomplish this end. The jobbing drug trade in the following territory—Ohio, Kentucky, Michigan, Indiana, Chicago, St. Paul and Minneapolis has agreed to maintain the following schedule on Paris green to the retail trade, in any quantity:

|                                   | Per Lb. |
|-----------------------------------|---------|
| Arsenic kegs.....                 | .13½    |
| Small kegs.....                   | .14     |
| 14, 28, 56, 5 and 2-lb. pkgs..... | .15     |
| Ones.....                         | .15½    |
| One-halves.....                   | .16½    |
| One-quarters.....                 | .17½    |

This is the New York schedule for 1896, with two cents added.

It is understood that as the New York market advances or declines, that this difference of two cents will continue, but that

jobbers are not to make any change in their price until they have been notified of such change by the chairman of the Paris Green Committee of the N. W. D. A.

Can you arrange with the trade in your city or state, to adopt the above schedule? Let me hear from you promptly.

Yours very truly,

ALANSON S. BROOKS,

Chairman.

The responses received from this circular were almost without an exception favorable, and the schedule remained in force until the seventh of July, at which time it was deemed expedient to withdraw all restrictions, owing to the fact that the season for Paris green was drawing to a close, and as a number of our members had signified a desire to dispose of their surplus stock. Your committee thereupon issued a card to that effect, which was mailed to all of the members.

On August 25 a letter was mailed to the members who handle Paris green, asking them to give what information they could with reference to their Paris green business for the past year; also requesting that they state whether the schedule which was adopted at the beginning of the season was upheld or not. In response to this letter we received forty-eight replies.

These replies have been tabulated under three heads, namely, "Reports from the West," "Reports from the South" and "Reports from the East."

All of the letters received from the West but one stated that the schedule was maintained, and that the margin of profit was satisfactory. The one exception stated that they did not favor a P. G. agreement of any kind.

In the reports from the South the general consensus of opinion seemed to be that the business was not satisfactory, and that the scheduled agreed upon was not maintained.

The reports from the East were very similar to those from the South.

About 50 per cent. of the letters written recommended an agreement such as we have had in former years with the Paris Green Association. About 20 per cent. recommended an arrangement next year similar to that of last year, and about 30 per cent. made no recommendations whatever.

While in the West the reports as to the success of the plan to uphold prices adopted by the Association this year are very grati-

fyng, inasmuch as the largest sales of Paris green are made in that section, still it is evident from the reports in the South and East, that it is impracticable for the National Wholesale Druggists Association in its entirety to adopt a schedule of prices, and to uphold it.

This is not so much the fault of our members as it is due to the fact that there are so many dealers in the jobbing, paint, hardware, and grocery lines who handle the article, and who are in no way bound by our agreements.

After giving the question careful consideration, we are constrained to recommend to the incoming committee that if endeavor to bring about an agreement with the manufacturers by which Paris green in 1897 will be sold upon the rebate plan, with about the same schedule of rebates as was adopted in 1895, and that, if this is found to be impossible, the adoption of selling prices be left entirely to the various local exchanges, without an attempt by this Association to establish any regulations whatever.

Respectfully submitted,

Alanson S. Brook, Chairman.

THE PRESIDENT—The report will take its usual course, and I will now call upon Mr. Myers for his report from the Committee on Credits and Collections.

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#### REPORT OF THE COMMITTEE ON CREDITS AND COLLECTIONS.

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The aim of this report should be to point out how losses, by reason of giving credit, can be reduced to a minimum, as losses cannot be wholly prevented.

Credit is entirely too cheap says a Western jobber, and cites a firm who had just failed, owing \$134. The firm was rated as worth \$5,000, reports were good. The failure, however, disclosed the fact that the firm had one hundred and four (104) creditors, and owed a total of \$34,000. Reckless overanxiety to sell goods is responsible for all this.

The average net profit in the wholesale drug business is below five (5) per cent., less than \$50 net on sales of \$1,000 worth of

goods. Yet it is a fact, in our fierce strife for trade, we will risk \$1,000 worth of goods where we would refuse to loan \$1,000 in money without security.

Too liberal credit is an injury to a buyer, and often causes him financial embarrassment, and sometimes failure.

The credit man can be materially assisted if the traveling salesman will report the habits and character of customers. No one can do this so effectively as the salesman who comes in close contact with the customer frequently during the year. He is in position to know whether his customer is a safe risk, both financially and morally; whether he is given to gambling at cards or in bucket shops; whether he keeps a high-class drug store or harbors a class who take drinks back of the prescription case, or whether he indulges too much himself.

Whether he is cautious, economical and attends to business, or spends too much time on outside sports and amusements, and lives beyond his income. Salesmen should be commanded to report on all these matters, and co-operate in every way to make easier the lot of the credit man.

The most unpopular man in the house is the credit and collection man. If he does his full duty conscientiously and fearlessly, though tempered with due consideration and sympathy, yet he will be criticised unjustly by salesmen, and be generally disliked by customers.

A desirable credit and collection man unavoidably may give offense and drive some worthy customer from the house. That, however, is far more satisfactory and much more to be desired than a long list of worthless accounts at the close of the year.

Wholesale druggists are not millionaires and do not own national banks, hence the credit and collection man must of necessity collect outstanding accounts when due, in order to meet obligations of the house for merchandise purchased monthly.

Salesmen should be instructed to give customers to understand that extension of accounts due cannot be indulged in, for the reason in times like the past three years and the present, there may be five hundred, or even one thousand, customers asking for an extension from the house at the same time. The amount may be only \$500 or \$250 for each, yet that would mean a total of \$250,000. This is the picture that salesmen should hold up to

the customer who complains that the credit man is overpersistent in urging collections.

No matter how courteously and kindly a request for payment on a past due account may be worded, unreasonable offense often will be taken, and especially is this true if the customer happens to be financially weak and happens to owe several firms a total sum in excess of his assets.

If an extension of time is asked for, the credit man should have satisfactory reasons before granting it. He should know that the customer is financially sound, otherwise he should insist on security to cover the amount due, and should thereafter sell to him only for cash until he has paid up in full. If security is refused or cannot be given, then the collection should be forced at once. First come, first served, applies well in such cases.

The credit man who looks sharply and promptly after such customers and is the first to press his claim is usually paid, where others make a partial or total loss.

Some years ago the Merchants and Manufacturers' Exchange of Detroit organized a credit clearing house, which now includes New York, Philadelphia, Baltimore, Cincinnati, Chicago, St. Paul, St. Louis, Louisville and New Orleans. It is not a money-making scheme, but simply a mutual protective association. Its reports are made up from the actual experience of its members. It covers a field left vacant by other mercantile agencies. It will well repay any of our members to carefully investigate their method. As stated in the beginning, the aim of this report should be to point out how losses can be reduced to a minimum. Good results in that direction will surely follow if the recommendations be carried out, contained in the report of your committee of 1890, J. E. Davis, chairman, viz., the formation of a credit and clearing house in every local drug exchange.

It is the emphatic opinion of this committee that local clearing houses, coupled with all the other safeguards, will certainly reduce losses to a minimum. This applies with special force to the larger cities, where changes in business are frequent. If you have a local clearing house in proper working order, required information can be obtained by telephone before delivering goods. You may also learn with surprise that many of your customers are being carried by several wholesale firms for sums aggregating in excess of the customers' ability to pay.

In conclusion we would offer the following:



*Resolved*, That the chairman of the committee of 1890, who recommended the organization of local clearing houses be again made chairman for 1897, instructed to set the ball in motion, to organize local clearing houses throughout this country.

*Resolved*, That we all pledge him our hearty support and co-operation.

Respectfully submitted,  
DANIEL MYERS, Chairman.

THE PRESIDENT—We have just received the report of the Committee on Paints, Oils and Glass. The chairman not being with us, the report will be read by the Secretary.

PHILADELPHIA, Oct. 8, 1896.

Mr. President and Gentlemen: The Board of Control takes pleasure in presenting the report of the Committee on Paints, Oils and Glass, and we recommend it to your consideration. We heartily endorse the suggestion made that it is unfortunate that the jobber seems to be compelled to handle many articles in the paint and oil line without a legitimate profit, and the clause is clearly set forth by the committee. The average dealer seems to lose sight of the fact that prices on linseed oil and other articles in this line have declined to such an extent that, although the percentage of profit remains the same, the net profits are reduced at least one-half, while the expense of handling remains the same. We move the adoption of the report.

Respectfully submitted.

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## REPORT OF COMMITTEE ON PAINTS, OILS AND GLASS.

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Mr. President and Gentlemen: At the time of your last meeting, the general paint, oil and glass business was, like almost other lines, experiencing the effect of the general or financial de-

pression which at that time existed, but it was then felt that with the coming of a new year there would be a revival of business which would cause a very great improvement in these lines.

To the disappointment of everybody connected with the paint business, this revival has not yet put in appearance. Through the spring and early summer there was considerable business transacted in this line, and it might be said that it was in a fair condition, but it was found that a great many dealers and merchants throughout the country had not been able to sell all the little that they bought through the fall, and having carried over some small stock, and not seeing much opportunity for selling in the immediate future, would not buy at all, or if they did, in most cases they would do so only in a small way and for immediate wants. These sales together with those to people who bought more liberally, made a very fair volume of business transacted through the spring, which would very likely have been satisfactory to the jobbers and manufacturers had it continued through the summer. However, with the advent of warm weather business dropped to a very low ebb and has apparently remained at that point ever since. There has been almost an entire absence of anything like a fall demand, excepting just lately there has been a great deal of call for linseed oil, the reasons for which are probably apparent to all of you, or will be when the subject of oil is specially discussed. Appearances, however, would now indicate that this dull period has about reached its limit, and your committee are of the belief that at this time the prospects are very favorable for the early resumption of good trade and a lively demand for all kinds of paints, oils and glass. Everything tends to confirm us in that belief, and with the coming of another spring we trust that the paint, oil and glass men will once more have reason to congratulate themselves on having finally gotten through with the worst part of the depression, and of having once more entered upon a career of prosperity.

#### WHITE LEAD.

There is not a great deal to be said in regard to the white lead situation just now, as the corrodors are still maintaining the same arrangement or schedule reported to you by your Paint, Oil and Glass Committee at your last year's meeting. On the first of the year, 1896, the general price was reduced one-quarter of a cent per pound, the large jobber or twelve ton buyer being allowed a

quarter of a cent per pound less, allowing a profit of \$5 per ton to the jobber, which is rather a small percentage of profit.

This committee has been asked if the manufacturers of white lead cannot allow the jobber a large profit, and in this connection we can only repeat the suggestion made by your last year's committee, that it might be advisable to appoint a sub-committee of say, three, representing the different sections of the country, who would be authorized to invite a conference with a like committee, if appointed by the National Paint, Oil and Varnish Association, and representatives of the different corrodors' interests; to formulate, if possible, some plan for the coming year that would be satisfactory to both the corrodor and the jobber.

#### LINSEED OIL.

The beginning of the last crop season found the market entirely bare of both flaxseed and oil. The preceding crop had been a very light one, and the supplies of both raw material and finished product were entirely exhausted. The crop of 1895, however, was a very large one, and consequently a rapid decline set in and oil finally settled on a basis of from thirty-five to thirty-eight cents per gallon for the winter and spring months.

In the late spring and early summer, when it became apparent that another large crop would probably be harvested, both flaxseed and oil again commenced to decline, and was not checked until the extremely and unreasonably low price of twenty-five cents per gallon was reached for oil. The large exports of flaxseed, however, during the past two or three months, has decreased the surplus to a considerable extent, and it is hoped that a better feeling on this article will prevail during the ensuing year.

It is unfortunate that the jobber of linseed oil seems compelled to handle it without a profit.

Your committee would respectfully suggest that one of the principal causes for unsatisfactory results in the jobbing business during the past few years has been the practice followed by so many jobbers of trying to make an average percentage on their sales without taking into consideration the constantly declining prices of the articles sold on this basis. We believe that if the sales in pounds or gallons at present prices should be compared with prices prevailing, say, ten years ago, that a shrinkage of from thirty per cent. to forty per cent. profit would be shown.

We will say, for example, that a given number of pounds and gallons of various goods handled by large jobbers amounted to

\$100,000 ten years ago, and that the gross profit in handling those articles was ten per cent. We believe that the same goods figured up to-day would amount to but \$60,000 or \$70,000, which supposing the jobber to have been working with the ten per cent. in mind, would give him only six or seven thousand dollars gross profit instead of ten. Meanwhile the salary account, expense account and all other items that go to the general expense of doing business have been maintained at the same cost in dollars. The effect of these figures is plainly shown on the profit and loss balances of most of our jobbers whenever they take stock.

We would suggest that the only remedy for this general practice would be to have the profit on as many articles as possible not considered by percentages, but in cents per gallon or pound, and that all jobbers in figuring on their selling prices as compared with their cost, should not consider so much the percentages as the profit that should be made in cents per gallon or pound or dozen, as the case may be, on the articles they sell.

It would seem as though the necessity for maintaining as nearly as possible a profit on goods handled by jobbers large enough to cover the percentage of the total expense on their sales, would be too apparent to a body of business men such as this, to require mention here, but it is nevertheless a fact that a very large portion of jobbing business is handled on the same percentage of profit on the manufacturers' list as prevailed ten years ago, and that on hundreds of articles where the profit ten years ago was, say, ten per cent. on the values at that time, the profit to-day is still ten per cent. on values forty or fifty per cent. less. It costs the jobber to-day just as much to sell his goods as it did then, and it occurs to this committee that some action should be taken to establish on all such articles a profit per pound, or per gallon, or per dozen, instead of a profit on the percentage basis.

WM. H. GREGG, JR.,  
Chairman.

Mr. Davis, the chairman of the Committee on Infringements on Trade Marks, then read his report.

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#### REPORT OF COMMITTEE ON TRADE MARKS.

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Mr. President and Gentlemen of the Wholesale Druggists Association—Your Committee on Infringement of Trade Marks beg leave to submit the following report:

Few cases of litigation concerning trade marks have come to the attention of this committee. From one firm only has any report been communicated of proceedings against infringements. In these cases, moreover, the relief sought under the laws has been in every instance granted. Therefore, like its predecessors during the past few years, the Committee on Infringement of Trade Marks has the pleasure of making a report, revealing a situation gratifying to the members of an association which has so steadfastly exerted its influence for the promotion and practice of sound and honorable business principles.

The report of the Wells and Richardson Company, addressed to this committee, is hereby appended, and affords illustration of the methods by which it is sought to foist imitations of well known preparations upon the public, and shows also the broad and equitable ground upon which cases of imitation and infringement of the trade marks are adjudicated.

#### REPORT OF THE WELLS & RICHARDSON COMPANY.

In May, 1895, having received information that the Allan-Pfeiffer Manufacturing Company of St. Louis, Mo., a concern engaged in putting up so-called non-secret proprietary remedies, were imitating the wrapper of Paine's Celery Compound by printing a bunch of celery, imitating our colors, and copying substantially the words upon our carton. We placed the matter in the hands of our counsel, in consequence of which a suit in equity was brought against this firm on June 26, 1895, for the purpose of enjoining this infringement, and criminal proceedings were also taken under the Missouri criminal statute, which imposes a fine of \$500 for imitations and infringements.

Upon the bill in equity a temporary injunction was granted June 29, and was later made perpetual. Under the criminal complaint the defendants finally pleaded guilty and a fine was imposed upon them, under the statute, of \$500, and in the equity case perpetual injunction was granted, with damages and costs.

The principal feature in this case was the imitation by the defendants of our bunch of celery, and an imitation, although not a counterfeit, of the label. This fraudulent carton was devised, as our affidavit showed, to be used in substitution for the genuine Paine's Celery Compound.

The next case of importance was the suit brought by us in the latter part of August, 1895, against the King Medicine Company of Pittsburg, Pa.



This was a so-called corporation purporting to have a location at London, England, and Pittsburg. As a matter of fact, it was nothing but a business firm, of which Samuel D. Robinson was at the head; and the carton in which they inclosed a so-called celery compound was closely imitative of ours in that it had a head of celery, and inasmuch as our colors were imitated and the wording of our labels.

This case came on to be tried on the question of temporary injunction, on Sept. 9, 1895, in the United States Circuit Court for the Western District of Pennsylvania, before Judge M. W. Acheson, who granted temporary injunction.

A few months later these same defendants adopted another label, considerably different in its general appearance from the label which had been enjoined, but retaining the head of celery, retaining the parti-colored appearance, but not having similar words to ours and not being anything like so close an imitation as before, but it had the bunch of celery, and it had the multi-coloring, and our counsel petitioned the court that the defendants be adjudged in contempt of the previous injunction ordered. This was fought, but in the United States Circuit Court, before Judge Acheson, on June 1, 1896; the defendants were adjudged in contempt and peremptorily ordered by the court to withdraw from the market, wherever the same could be found, every carton which they had sold, the damages for the sale of such goods as had gone into the consumers' hands, to be assessed as plaintiff's damages in the accounting upon the suit first brought.

This case is now pending for the assessment for damages.

The next important case was a bill in equity brought against Charles F. Hansom, of Newark, N. J., under the name of "The Cresecent Pharmacy," who was doing an extensive business in putting out a line of proprietary medicines under the name of the principal proprietors of the country; among other names used by him was Paine, which he attached to Paine's Sarsaparilla, and Paine's Liver Cure. He also put out a Hood's Compound Extract Celery and Green's Nervina. All these packages were substantially alike, except that they were of a different color, and he would pile his goods in the window so that the sides of the cartons could be made to read, "Hood's Sarsaparilla," "Paine's Celery Compound."

Suit was brought against this infringer in the United States Circuit Court for the District of New Jersey, and the hearing on



the preliminary injunction occurred on April 20, 1895. A few days later the injunction was granted by the court, and was afterward made perpetual, and the defendant paid damages and costs in each of the suits.

Another very important suit for infringement brought by us in connection with certain other large proprietors, are the suits against the Non-Secret medicine concern of Lambert & Lowman, of Detroit, Mich.

For several months prior to the spring of 1896, this concern had put out a line of remedies, including a Hood's Compound Extract Celery, Hood's Sarsaparilla, Scott's Emulsion and a Raine's Sarsaparilla. Suits were brought in the United States Circuit Court for the Western District of Michigan, and, upon a hearing, preliminary injunctions were granted by Judge Swan on June 1, 1896.

These suits are now pending on the assessment of damages.

In the Newark and Detroit cases there was no imitation of labels, but the injunction had been granted for the use of the names; although, in connection with other medicine, as for example, Hood's Compound Extract Celery, was thought by these defendants to be an evasion, inasmuch as it did not pretend to be a preparation with which the name of Hood had been connected, and so on with the other preparations, but the court made short work of this excuse.

Of course, there have been very many instances where our counsel has stopped the use by others of the bunch of celery as a trade-mark, but the cases which we have here given you are the largest and most important.

Your committee is mindful of the increased scope given to this committee under the resolution offered by the previous chairman, Mr. Gilman, in which the committee was charged with the duty of gathering statistics in regard to cases which might, in its opinion, seem desirable to report to members of the Association. In this connection, we would, therefore, say that there seems to be nothing in the present legal status of the trade mark, as to any new questions of law involved therein, which call for the attention of your committee.

Respectfully submitted.

B. F. FAIRCHILD,

Chairman.

THE PRESIDENT—We are now to hear from the Committee on Adulterations, Committee on Viola-

tions of Contract, and the Committee on Local Associations.

MR. KLINE—I have for a number of years included the report of the Committee on Violations of Contract in my regular report, all that could be said is there said.

THE PRESIDENT—Are any of the other chairmen present?

MR. WELLER—I have Mr. Carter's report—he said he would be down stairs and we could call him if we needed him, and he would present it.

Report read.

### REPORT OF THE MEMBERSHIP COMMITTEE.

The report of the Membership Committee, presented by Chairman F. L. Carter, with a list of the applicants for active and associate membership, and comprised the following names.

#### ACTIVE MEMBERS.

Elam Drug Co., Anniston, Ala.  
Solomons & Co., Savannah, Ga.  
The Walther-Robertson Drug Co., Pittsburg, Pa.  
Gay, Hardie & Durr, Montgomery, Ala.  
E. S. Leadbeater & Sons, Alexandria, Va.  
David W. Curry, Rome, Ga.  
Smith-Dugger Drug Co., Atlanta, Ga.

#### ASSOCIATE MEMBERS.

Ellis & Goltermann, New York, N. Y.  
Joseph Taite's Sons, Philadelphia, Pa.  
Anheuser-Busch Brewing Association, St. Louis, Mo. Malt  
Nutrine Department.  
The Cleveland Commercial Co., Cleveland, Ohio.  
Dillenback & Almy, Cobleskill, N. Y.  
S. H. Wetmore Co., New York, N. Y.  
Davol Rubber Co., Providence, R. I.  
Truslow & Co., New York, N. Y.  
Dryden & Palmer, Brooklyn, N. Y.  
Frederick Dutcher Drug Co., St. Albans, Vt.

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Drevet Mfg. Co., New York, N. Y.  
Lanman & Kemp, New York, N. Y.  
Fischer & Ewald, New York, N. Y.  
J. Ellwood Lee Co., Conshohocken, Pa.  
O. & W. Thum Co., Grand Rapids, Mich.  
Joseph Hubbard, Boston, Mass.  
Davidson Rubber Co., Boston, Mass.  
J. M. Grosvenor & Co., Boston, Mass.  
S. L. Bartlett, Boston, Mass.  
Florida Wine Co., Norristown, Pa.  
Barrett Mfg. Co., Philadelphia, Pa.  
J. B. Williams Co., Glastonbury, Ct.  
The Beeman Chemical Co., Cleveland, Ohio.  
A. H. Wirz, Philadelphia, Pa.  
Norwich Pharmacal Co., Norwich, N. Y.  
Antoine Chiris, New York, N. Y., and Grasse, France.  
Munyon Homoeopathic Remedy Co., N. Y.  
E. E. Dickinson, Essex, Ct.  
E. B. Estes & Son, New York, N. Y.  
The Jefferies Glassware Works, Philadelphia, Pa.  
W. P. Ungerer, New York, N. Y.  
The H. K. Mulford Co., Philadelphia, Pa.  
The Cumberland Glass Mfg. Co., Bridgeton, N. J.

THE PRESIDENT—Gentlemen, there is nothing else I can call for at this moment, and I therefore ask if it is your wish that miscellaneous business shall come up at this time?

MR. NOYES—If there is no objection, I will move that we adjourn until this afternoon.

(Adjourned to meet again at 2 p. m.)

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## FIFTH SESSION.

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*Wednesday, 2 p. m.*

THE PRESIDENT—The first order of business will be to receive the report of committees. Are there any committees ready to report? We will hear from

the Board of Control until these gentlemen are ready.

MR. WELLER—Mr. President and gentlemen, as chairman of the Board of Control, I am pleased to say that the Board of Control have got their work considerably under way and are ready to take up the reports which have been thus far placed in their hands. We have first the Secretary's report, which was read in your hearing, and the Board of Control present the following:

Mr. President and Gentlemen: In calling attention to the report of the Secretary for the current year, we desire to state that Mr. Merriam as usual presents a splendid report. We commend it to your careful consideration, and it will be a matter of gratification for the members of this Association to know that we are not only holding our own so far as membership is concerned, but that each year shows a substantial increase, notwithstanding the fact that we have been compelled to make some extra assessments upon our members for the purpose of carrying on the work of the organization. We believe that a spirit of loyalty exists throughout our entire membership and that our future prosperity is assured and that all our members will cheerfully respond when called upon to meet the necessary expenses of the Association.

The Board of Control ventures to express the wish that all of the members of this Association will read this report carefully, especially that part of it which refers to the delinquent list, and while, as stated in the report, the number is not large, yet it is necessary that we should all stand together, pay our dues promptly, so that our treasurer, whom, as stated, gives his services for nothing, shall be caused

as little trouble and expense as possible. We move the adoption of the report.

MR. MAIN—I second the motion that the report of the Board of Control on the report of the Secretary be received and the recommendations adopted.

Carried.

THE PRESIDENT—I will now ask Mr. Main to make the report of the Nominating Committee.

Mr. Main read the report as follows:

PHILADELPHIA, October 7, 1896.

To the Twenty-second Annual Meeting of the N. W. D. A.:

Mr. President and Gentlemen: Your committee upon nomination of officers of the Association for the ensuing year beg leave to report the following recommendations:

For President—John B. Purcell, Richmond, Va.

For First Vice-President—John A. Gilman, Boston.

For Second Vice-President—N. Ashley Lloyd, Cincinnati.

For Third Vice-President—George K. Hopkins, St. Louis.

For Fourth Vice-President—William P. Reddington, San Francisco.

For Fifth Vice-President—H. W. Evans, Kansas City, Mo.

For Secretary—A. B. Merriam, Minneapolis.

For Treasurer—E. L. Strong, Cleveland.

For Board of Control—Charles F. Weller, Omaha; Thomas C. Peek, Macon; William J. Walker, Albany; James R. Owen, Chicago; W. J. Walding, Toledo.

The foregoing recommendations are the unanimous sense of the committee, with the exception of that of the office of President, which nomination was unanimously approved over the protest of Mr. Purcell by the remaining members of the committee.

THOMAS F. MAIN,

Chairman.

WILLIAM A. ROBINSON,

J. C. FOX,

JOHN B. PURCELL,

GEORGE L. MUTH.

THE PRESIDENT—Under the By-Laws this report will remain over for two hours from the time it is presented.

MR. MAIN—I move you, sir, that action on this report be made a special order for two hours from this time.

THE PRESIDENT—Would it not be well to make it the first order of business for to-morrow morning? We may not be in session two hours hence.

MR. MAIN—I accept the suggestion as an amendment to my motion.

THE PRESIDENT—That will be considered the action of the Association, as it is regulated by the Constitution and By-Laws.

MR. WELLER—We now wish to present our report on the report of the Committee on Relations with Local Drug Associations, city and interstate, presented by Mr. Purcell.

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#### REPORT OF COMMITTEE ON RELATIONS WITH LOCAL DRUG ASSOCIATIONS.

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Mr. J. C. Eliel, President N. W. D. A.:

Dear Sir—Our predecessors on the Committee on Relations with Local Drug Associations, city and interstate, have so fully covered the ground that there is but little that is new that your committee can now offer, but we can possibly emphasize these recommendations, and probably succeed in claiming some share of your attention to a subject of no small importance to ourselves individually, and which may be the means of reaping for ourselves a practical harvest. The hope of the N. W. D. A. ever being able to perpetuate itself rests upon its ability to show good fruits of its labors. The mere pleasure we derive from the social gathering of our Association will not long be a sufficient reason for our existence, nor would we have lasted as long as we have had not some such beneficent results as our rebate plan and a few others stood out boldly to proclaim the practical good which we were doing. Even that great work is beginning to seem insignificant, because from long association with its



workings we have almost forgotten the chaos from which it had led us. We must therefore help the good work on until we have closed up all the gaps and leaks through which we have yearly seen our profits ooze and fritter away, while the expenses of business increase with an ever-ascending ratio.

Such an association as the N. W. D. A. can deal only at best, in generalities and enforce its decrees by the fealty of its members, which must diminish as its membership increases, because we cannot successfully legislate for so great a number with that satisfaction which we were able to do when our membership was less. The "Superb Hancock" once announced that the tariff was a local question, which caused erisoïn to escape the self-styled statesmen of the day; but every political party has found, when put into practical operation, that the tariff was a local question and the national Government has experienced the same trouble in legislating for our vast domain and its varied and ever changing industries that this national Association finds in laying down rules to govern our business in this whole country and for this reason the N. W. D. A. must perforce leave undone many things that we would desire should be done. It is upon this line of work that local associations of the wholesale drug trade could supplement the N. W. D. A. By their assistance the rebate plan can be strengthened, the box and cartage charges can be restored, and every other determination of this Association can be made effective and practical. It can do more; it can build up and promote comity and fair dealing among ourselves and toward each other, which is a primal object of our Association. The unbusinesslike practices which sometimes rear themselves, though seldom, can be suppressed and stopped. As an instance to which I refer, your chairman recalls the action of a salesman of a competing house, who, in a visit to Richmond retail druggists, announced that if he could not sell them goods he could at least make the Richmond jobbers sell them at low prices. This was not a subject that an individual would care to bring to the attention of that traveler's house, but it might be brought before a local association, and by them transmitted to the local association to which that house belonged, and the moral effect would be to put a stop to such practices on the part of irresponsible travelers.

We had determined to divide ourselves into sections for the purpose of carrying out the Denver rebate plan; why may we not enlarge these sections into local associations who may meet, say

four times a year, and discuss vital matters? An executive committee could take charge of affairs during the interim, to whom all complaints of every nature could be referred. If no other good were accomplished, we would come to know each other, and experience proves that such acquaintance begets and confirms our respect for each other. At present we are but the shuttle-cocks which are tossed between the battledoors of customers and salesmen, in which they stand to win and we to lose every time.

Your committee would therefore recommend the following:

*Resolved*, That this Association recommends the formation of local associations of wholesale druggists, to be composed of those houses doing business in the same territory, and recommends that the grand divisions adopted for the purpose of carrying out the Denver plan might be adopted as suitable divisions for the formation of said associations.

*Resolved*, Further, that houses doing business in a territory and not being members of the local association of that section shall conform to such rules and regulations as govern the members of that local association.

Among the other matters that local associations can better manage than the national is the refusal of manufacturers to decline orders from retailers. For the National Association to boycott such manufacturers would be illegal, but the individual members of the local association can refuse to stock such goods, and the action of a local association would soon be adopted by others. When we found a manufacturer who only allowed us 8 per cent. on his goods and then reduced his terms from sixty to thirty days, we could quietly let him alone and let him find distributors for his goods who can work cheaper than the wholesale drug trade.

Respectfully submitted,

JOHN B. PURCELL,  
Chairman Committee on Relations with Local Drug Associations.

Mr. President and Gentlemen: The Board of Control takes great pleasure in commending to your careful consideration the report of the Committee on Local Associations, presented by Mr. J. B. Purcell. It is well said in this report that the hope

of the N. W. D. A. being able to perpetuate itself rests upon the fruits of its labors, and that the mere pleasure we derive from the social gatherings of our Association will not long be a sufficient reason for our existence. This is true, and yet the work of the National Association must be general in its character and the actual results must be brought about by the aid of the local associations.

It is impossible for this body to legislate for all sections of the country, and we recommend that earnest efforts be made to establish local associations where they do not already exist, and that this matter be referred to the incoming committee, and that they be instructed to take up this work in detail, find out where local associations are needed and assist in forming them.

We move the adoption of the report as presented by Mr. Purcell, together with the resolutions presented by the committee.

MR. PEEK—I second the adoption of the report.

Motion put and carried.

MR. WELLER—We next have the report of the Committee on Commercial Travelers.

MR. WELLER—I might say in connection with this report that this matter has received very careful consideration at the hands of some of our local associations, and the Missouri Valley Association have talked this matter over several times, and it could be carried out in that section I know. This matter of commercial travelers covering their territory so often is becoming a nuisance, not only to the jobber, but to the retailer as well, to have men visiting their trade every week or two weeks is certainly entailing a great deal of unnecessary expense, and it

has grown simply because we have permitted it to grow, and when we make up our minds to have our travelers visit their trade once in sixty or ninety days we will reduce our expenses one-half.

MR. PEEK—In support of that report I suggest that we have tried, not exactly cutting down one-half of our traveling men, but we have reduced it one-third, and we find that our expenses are cut down in the matter of traveling, and, instead of having our men visiting the points every week or two, they cover them once in thirty days, and we find the expenses are cut down without decreasing our receipts.

MR. KLINE—Somebody suggested to me that I ought to talk on this subject, and I feel that way myself, but I was very much afraid if I talked much more at this meeting I would be sent a bill from the stenographer for additional services, which ordinarily are paid for by the Association. What I want to say is that, personally, I cannot see my way clear to support a proposition which I feel convinced cannot be practically carried out. We must take into consideration that, while we are fortunate in having in our membership a very large majority of the wholesale druggists of this country, yet we do not have them all, and there are certain sections—notably, for example, that of the great, all-absorbing and limitless city of Chicago, where we have, I believe, but to-day two houses as members of this Association out of the five or six. Now, certainly, so far as that section is concerned, any action taken by this Association, if it could be carried out—and I again repeat I am afraid it cannot—would mean that the members of this organization, if loyal to its action, would

place themselves in a position where they would cut down a part of their force, while those outside of the organization would doubtless put on a sufficiently larger number of travelers to make up for the lack of the usually frequent visits which are now being made to the trade. Besides, after all, in sections where that may not be the case, is it not, Mr. Chairman, a matter of individual action which this organization cannot hope to any extent to control? If the large and growing houses in Philadelphia, which are striving daily to do the business which, for example, we have done heretofore, should take it into their heads to increase their travelers instead of decreasing them, can we afford to make way for them, or is it not natural that we should keep our force about as it is now? If a house now having fifteen or twenty travelers finds that the result of their business is fairly satisfactory, is it natural to suppose that, by reason of any resolution or action that we take here they would take a backward step? As is known to many of you, for many years I was a traveling man. I am sorry that age and other duties made it necessary that I should stay at home, because I still like to travel, to Boston particularly; but from my practical experience I have learned to have a good deal of sympathy with the traveler, and a good deal of sympathy with the idea that the business conducted through travelers, if we have them of the proper sort, is one that it is entirely contrary to the tendency of the times for us to expect either to diminish or entirely do away with.

Now, I do not suppose that what I say will interfere in the least with the official action on this recommendation, as made by the Board of Control; but



my chief concern is with reference to taking action and making recommendations by this organization, which as a matter of fact we know at the time we pass it will be a dead letter. It seems to me we ought to guard very carefully against that sort of action. This organization, I am proud to say, has a reputation that I think is equaled by no other in the country, with reference to making certain recommendations and then practically carrying them into effect, and the oftener we do something that is impracticable, do we diminish to some extent the reputation which we have acquired in that direction. I do not believe it is practicable to carry out even measurably the recommendations which are made in that report.

MR. DAVIS—I wish to voice Mr. Kline's sentiments, and he has stated almost exactly what I intend to say. I think it very unwise to pass a resolution, which cannot be carried into effect. There is one point which Mr. Kline did not fully cover, namely, there is only one way in which this idea can be carried out, and that is by individual action, or through the medium of local exchanges. My firm has been a member of a local exchange for a number of years—the Lake Erie—and it has been an impossibility to accomplish the object which the chairman of the Board of Control has brought out in his resolution. I repeat that it is unwise to pass a resolution of this kind unless we can enforce it. In the West, Chicago particularly, there are so many drug houses which are not members of the Association, that unless there is co-operation (no exceptions), the resolution would become immediately a dead letter.

Let us not pass resolutions which cannot be carried out.



MR. CARTER—I think the gentlemen who has previously spoken on the resolution have not fully considered the scope of the resolution and the recommendation. They assume that the recommendation of the Board of Control, if it is adopted, carries with it the pledge of the members to carry out this proposition, but I do not understand it so. I understand it puts the Association on record as approving of this. I am in favor of the appointment of a private and special committee to see if these matters, which the previous speakers consider to be so strongly in opposition to it, cannot be overcome; and I think Mr. Davis will say that the reason that it could not be carried out by this local association was from the fact that the other people outside of the Association would come into his territory and steal his trade if they took off the travelers. The purpose of this special committee, as I understand it, would be for the purpose of getting these local associations to adopt this plan, and so lap into each other's trade that they would not have any interference with each other. For that reason I do not think it would do any harm to pass this resolution and let the special committee see if the obstacles are insurmountable.

THE PRESIDENT—Gentlemen, the Chair has tried to get the sense of the members of the Association, rather than to give to the Association its own sense of the fitness of the various actions contemplated by the body over which it presides. But those of us who have been for any length of time active in the work of this Association will well remember, that this matter has been before us many times before, and they will particularly remember when our friend, Mr. Meyer of St. Louis, brought the subject up for discus-

sion, and how thoroughly it was discussed, and that it was at that time the consensus of opinion that it was unwise for this Association to take any action in any matter or pass any resolution which it could not enforce. We must upon second thought, all concede that it is impossible for an Association of this kind and character to enforce resolutions of this class. A celebrated French gentlemen said that a man could have everything he wanted by wanting nothing that he could not have. It is a simple thing when you consider it. Our Association is exactly in that position; it seems to me it will be very easy for it to enforce its every action if it is very careful to take no action which it cannot enforce. Mr. Carter's point is a good one, that the resolution of the Board of Control does not in any way commit this Association, except to the principle which we all favor, and that it does not necessarily follow that we would endeavor to put this into execution. At the same time, it seems to the Chair unwise that we should take this action.

MR. CARTER—Last year this Association put itself on record, as in previous years, that any charge for box and cartage was hurtful to its members. It was considered so important that a special committee was appointed to look after it at the time without any hope at the time of accomplishing its end. That did not deter the Association from appointing a special committee to see if the obstacles were insurmountable. The committee was appointed and performed its duties to the best of its abilities.

MR. WELLER—I will read this resolution again, I felt sure it would meet with considerable opposition, but I have taken particular pains during the past

year to confer with wholesale druggists outside of this Association doing business in the West, principally in Chicago, and I can say to-day that these Chicago houses, outside of the Association, are sending out fewer men, and covering their territory less frequently in proportion to their business, than those who are members of the Association. One of the leading houses in Chicago, outside of this Association, has not got as many traveling salesmen as some houses doing less than half the business. I believe the plan is practicable, or would not have presented it. This resolution does not carry with it anything that would compel this Association to adopt it—it simply gives us an opportunity of seeing whether or not the plan is feasible. That is all. If it is not feasible the thing dies of its own weight. It seems to me that the appointment of a competent committee, with instructions to correspond with the wholesale druggists throughout the country to see whether the plan is feasible or not, would be the proper thing at this time.

MR. GILMAN—I agree with what Mr. Kline has said, but I slightly disagree with my friend Mr. Carter. It seems to me the same object might be accomplished if the Association would recommend to the members of the local associations now here to have their travelers reduced in those sections of the country where the different local associations prevail. I do not think it is possible for us to do it in New England. I think the local associations in the different sections of the country know how far that can be carried on, and, if it is left in that way, then in those sections of the country where the members can get together and accomplish that object they will if they

can. It seems to me unnecessary to have a committee appointed, to be at extra expense and time in attending to this work in all parts of the country, which it is not possible to look after.

MR. POWERS—Will you please have the resolution read, Mr. President; I was not here when it was read.

THE PRESIDENT—If Mr. Weller has no objection it will be read; it has been read twice already.

Mr. Weller read the resolution.

MR. DAVIS—Could not this matter be regulated a little differently? Instead of having a special committee appointed, could not this matter be referred to the incoming Travelers' Committee, and let that committee take this subject up; and if it is the sense of the members of the committee that this recommendation can be carried into effect, possibly at the next N. W. D. A. meeting we may accomplish a great deal more, and in the meantime we will at least have made a step forward.

MR. MAIN—If Mr. Davis will put that in the form of a motion I will second it.

MR. DAVIS—I put it in the form of a motion, instead of carrying out the recommendation of the Board of Control, that a special committee of three be appointed, that this matter be referred to the incoming Commercial Travelers' Committee, whoever they may be.

MR. MAIN—I take pleasure, Mr. Chairman, in seconding that motion; it is a very wise one.

MR. WELLER—It means that you desire to accept this report, and refer this resolution to the incoming Committee on Commercial Travelers?

THE PRESIDENT—Yes, sir.

MR. WELLER—If that is carried I understand the

resolution will be adopted, but instead of being referred to a special committee it will be referred to the incoming Committee on Commercial Travelers.

THE PRESIDENT—That is correct.

The question on Mr. Davis' motion was put and carried.

MR. WELLER—The Board of Control presents the following recommendation with reference to the report of the Committee on Drug Market:

Gentlemen: The Committee on Drug Market has again presented a very carefully prepared report. The information contained therein is valuable to every member of this Association, and we desire to compliment the chairman of this committee, Mr. George L. Muth, for the very careful manner in which he has prepared and presented this report. We recommend it to the careful consideration of every member of the Association, and move its adoption.

Mr. Thomsen seconded the motion to adopt the report.

The question was put and the report adopted.

Our Committee on Legislation has presented its report. There were two sets of resolutions presented, which were referred to the Board of Control, one of which we have not received. If it is your pleasure we will act on that separately. Will you hear what we have prepared or wait until we get it completed?

THE PRESIDENT—What is the pleasure of the meeting in the matter?

MR. MAIN—I suggest that we consider such portion as the Board of Control have ready.

MR. WELLER—We will take up the other question



when it comes into the hands of the Board of Control. I will read the resolution on the report.

Mr. President and Gentlemen: The report of the Committee on Legislation has been prepared with a great deal of care and is very complete in all its details, particularly that part pertaining to the tax on alcohol. They present the following resolutions:

*Resolved*, That the National Wholesale Druggists Association maintains its position in favor of free alcohol for medicine and the arts; that it approves of the efforts in the cause that have been exerted by the past committees on legislation, and recommends the committee of the coming year to exert all possible influence toward securing free alcohol for medicine and the arts under such administration as will afford its benefits to the small manufacturer equally with the larger, and particularly to present to the Joint Congressional Committee on Alcohol in the Arts such facts they may be able to secure as will warrant a recommendation in favor of this policy.

*Resolved*, That between the two systems—that which provides for the payment of rebate, or that which provides for the delivery of alcohol free of tax to the manufacturer under bond—the former, or rebated taxed alcohol, is the preferable, as being better adopted to the large majority of manufacturers, while at the same time it can likely be administered with safety to the revenues of the Treasury.

The bankruptcy law has received very careful attention at the hands of this committee, and we agree with the committee in stating that legislation on this measure, so important to the business interests of the country, has not received more attention on account of the political agitation which dominated the last session of Congress. While the Torrey bill, which has grown in favor with business circles, was passed by the lower House, its failure to be reached by the Senate has again set it back to be acted upon by some future Congress. This Associa-



tion has already put itself on record as being in favor of the Torrey Bankruptcy bill, and we recommend that at this time we simply reaffirm our former action.

Attention is also called in this report to a letter from one of the former presidents of this Association, in which he states: "The jobbing trade of the United States has for several years suffered a great loss and much annoyance from the selling of medical preparations that are protected by a patent right, where the names and the combinations have been registered, which are being sold here in an underhanded way; that nearly all such preparations are produced at a nominal cost in foreign countries, and are sent here, where they are sold at perhaps ten times the market value at which they are sold at the places of their production or in other countries." Reference is made to an article which has been sold as low as five shillings per pound in England, while it is brought here, twenty-five per cent. duty paid on the same, and sold clandestinely to the retail druggists at thirty-five cents per ounce, or even less. The writer then goes on to state that "it is not only that we as jobbers or the agents are deprived of what legitimately belongs to us and to them, but that it is also a great demoralizing factor that is thus at work, and should be stopped." The committee presents, in conformity with the above, the following resolution:

*"Resolved, That the president appoint a special committee to investigate the alleged regularities in the distribution of certain foreign protected chemical or medical preparations to the disadvantage of legitimate dealers, and to suggest a remedy by which the interests of the jobbing trade will be equitably protected."*

Referring to this resolution and subsequent remarks, the Board of Control is of the opinion that the agents of these different preparations are doing all they can to stop piracy, and do away with the evil complained of, and to protect legitimate dealers in the handling of their preparations.

The paper referred to by the chairman of the Committee on Legislation, as coming from Mr. George W. Stone, secretary of the National Transportation Association, has been duly considered, and the Board of Control is of the opinion that our organization would not be benefited by taking any action which would lead to our becoming members of the Association referred to.

We move the acceptance of this report, and the adoption of the resolutions as presented by the Board of Control.

MR. ROBINSON—I second the motion to adopt the resolution.

Carried.

MR. KLINE—As I understand it, there are several resolutions offered in this particular report. It is an important document, and it would be a matter of great surprise to me if the organization should act on these resolutions in a bunch, particularly as nearly all the recommendations are of such a nature that the members would not wish to act upon all of them affirmatively. I do not quite understand what the conclusion is with reference to the letter writer by ex-President Meyer, but it seems to me to be at least sufficiently distinct from the rest of the matter of the report that it would be well to act upon the resolutions separately, particularly in reference to legislation; and I move that we proceed in that manner.

Motion put and carried.

Mr. Weller read the first resolution.

MR. KLINE—I move that the first resolution be adopted. Carried.

Mr. Weller read the second resolution.

MR. MAIN—I move that the second resolution be adopted. Carried.

Mr. Weller read the third resolution.

MR. KLINE—I move the adoption of this resolution.

MR. WELLER—With reference to the letter from ex-President Meyer to the Committee on Legislation, in which he refers to these different articles, speaking particularly of one article which has been sold as low as five shillings per pound in England, the committee goes on to say that in conformity with that letter the president shall appoint a special committee, etc. The intention is that this matter shall receive some attention. It is a self-evident fact that a number of these articles are being brought to this country and sold surreptitiously to retail druggists, and while agents in this country are doing all they can to stop this thing, they do not seem to be very successful in doing it, and it is presumed that the incoming committee will take this matter up and give it all the consideration they can in the future. We do not see our way clear to offer any resolution, regarding the one offered by the committee, and we do not exactly ignore it, but we pass it over by requesting that the president appoint a special committee to investigate alleged irregularities in the distribution of these articles. I think really we ought to recommend that this matter be taken in hand by the incoming committee unless you wish to

pass this resolution which was presented by the committee.

MR. MEYER—I may have made a mistake in recommending a special committee. I should probably have said the committee on Legislation or the Committee on Trade Marks should have their attention called to this matter. I do not suppose that we are the only ones who suffer from this inconvenience to which I allude. As I stated in my letter, it is demoralizing for a retail druggist to be able to buy a number of articles that are of every-day use at one-half or even less than what we as jobbers can sell the goods. I thought, therefore, that it was important that we as an Association should take cognizance of it and see what can be done to avoid this evil. I had no fault to find with the agents or anybody else, but there is something at work which should be stopped if we can do it, and I think we can. The question is whether our laws in regard to trade marks and registered marks should not be changed. I have met with some gentlemen who have this matter in hand and have spent a great deal of time and money in Washington, and it is a very difficult matter to get Congress to take action on this subject. Still, we should not be discouraged; our aim should be to have our copyright and patent laws changed, and I think our committee on that subject should have their attention called to this matter.

MR. KLINE—May I be pardoned if I speak on this subject again. It seems to me that the recommendation of the Board of Control is the proper action for this Association to take. I can quite appreciate what has inspired the letter from ex-President Meyer. We have our attention called to it every day, and the

thing is a good deal of a nuisance; but however much of a nuisance it may be to the wholesale houses, I presume I am perfectly safe in the statement that it is not only very much more of a nuisance, but the cause of very much more loss to the agents for these articles in this country, than it can possibly be for the wholesale houses. Therefore, it is natural to presume, that, if there is any way to stop it, the machinery in which they are interested, and the money which they are willing to call into action for its suppression, would certainly be used; and how we could supplement their efforts, I must say, is a matter which puzzles me a good deal.

In reference to the other feature alluded to in the letter, which brings up a very important question, and one concerning which, while there is no recommendation, yet there is a statement that these goods are sold in England or Germany, or whatever country is referred to, at one price, and a very much higher price here by reason of this patent law or license law, and the fact that, in consequence of that, it encourages dishonesty and demoralization. I want to say, as I said a moment ago, it brings up a very large question, and this, I think, we can certainly refer to—that is, that everything which leads to dishonesty and demoralization, unfortunately, cannot be stopped by the action of this Association. I have known from the very first adoption of the rebate plan that it was claimed in certain quarters, and I know it is claimed in certain quarters very often now, and has been continuously, that the rebate plan led to a great deal of dishonesty, a great many under-handed practices, and the argument used by those who oppose it is, that because it leads



to such practices it ought to be abolished. I refer to this because it opens up a large question, and all this being in my mind, I should strongly favor the adoption of the recommendation of the Board of Control that we leave this matter in the hands of those people directly interested in suppressing it, and not attempt by our action to do anything to aid them.

MR. REDSECKER—Can you expect a retail druggist who is selling 50 per cent. of his goods at cost, making no profit on it whatever—not that I am dealing in those goods—can you expect him, when offered phenacetin and sulphonal and goods of that kind, at thirty-five cents an ounce, put up identically in the same package by the house that makes them—can you expect him to pay a dollar an ounce for them, when he can buy them for thirty-five cents an ounce? Is that dishonesty? That is the question I would put to this Association. I know a house which received from a legitimate drug house in Toronto, Canada, a list of these preparations, agreeing to send them in and have the duty paid. A man buys the legitimate preparation in Toronto, pays the United States Government its duty on the goods; he gets the identical goods; the Government accepts the duty that he pays on them—is it not the duty of the Government to protect the purchaser? The action I think you ought to take is to induce these men who handle these goods—sold in London, as I saw stated a year ago, at five shillings per pound (less than ten cents an ounce; about eight cents an ounce), which are brought to this country, and a duty of 25 per cent. paid on this low price, making them cost the importer ten cents an ounce, and sold to the refailer at one dollar an ounce—to lower the price of these goods so as to do



away with the incentive for these underhand practices. The wholesale druggist pays eighty cents an ounce in 500 ounce lots. You pay these importers a profit of 600 or 700 per cent. on their goods, and if they are sold to a retailer, and he buys ten ounces at ninety-five cents an ounce, he is pledged to sell them to the trade at a dollar an ounce, and make five cents profit. Can you blame him, when he can buy the identical goods, labeled the same, except "not for export," for buying them at thirty-five cents an ounce? I do not think you can; you would not do it yourself. I call it legitimate trading. Urge the dealer to bring the price down to a reasonable figure, so the wholesaler can make something on them, and the retailer can make something on them, or amend your trade-mark laws, giving no copyright in chemical preparations. It is only a few years ago that some fellow manufactured subgallate of bismuth and called it dermatol, and tried to prevent the chemical manufacturers from making subgallate of bismuth—a chemical preparation, chemical compound, the definite proportions of which are known, and which can be made in this country. The retailer must make a profit on something, or he cannot pay your bills and live; and he should not be classed as dishonest and guilty of improper practices when he buys these articles. I do not think it is doing justice to the retailer. You can buy acetanilid at thirty-eight cents a pound; if you go to buy anti-febrin you have to pay twenty-five or thirty cents an ounce.

THE PRESIDENT—It depends on where he buys his goods.

MR. REDSECKER—Put the price down to a legitimate profit, and let those who handle these goods reap an honest profit. (Applause.)

MR. PEEK—It seems to me the point for us to investigate is to know whether or not the letters patent which the agent has to protect him in the sale of phenacetin and sulphonal are worth anything. In our purchasing of goods I have had an opportunity to buy these goods so that we could sell them at the price that these people were selling them at and make a profit, but we did not do it for the reason that we think that if these agents have paid for letters patent it is the business of the Government of the United States to protect these men. We have been waiting now two years since this thing was first begun, and I am now no more enlightened than then as to whether the Government will protect them. I notice that phenacetin is now being more largely sold in this country, at twenty-five, thirty-five and fifty cents an ounce, than ever before. It seems to me that our committee might investigate that phase of the question—

THE PRESIDENT—Will the gentleman allow the chair to interrupt him for one moment? It seems to the chair we are getting away from the matter properly under discussion, which is not whether the Government will or can protect the owners of phenacetin, but whether we shall adopt the resolution of the Board of Control. I want to call attention to that point.

MR. PEEK—I agree that the report of the Board of Control ought to be adopted, and we ought to hear from the result of the labors of this special committee as soon as possible, because there is no question about the fact that the jobbers are obliged to lose money, as we are buying more or less of these goods.

MR. MEYER—As you know, I am a poor speaker, and old age does not seem to improve my ability in

that direction. I feel deeply interested in this question, and while the remarks of the gentleman who has just spoken may not be parliamentarily correct, they bring out ideas; also the gentleman who spoke for the retail druggists (Mr. Redsecker). I think his remarks are important. I wish to refer to his remarks in one particular. When I refer in my letter to the matter of demoralization, I mean that the retail druggist naturally thinks that when the wholesale druggist wants a dollar an ounce for something which he can buy for thirty-five cents an ounce, we are cheating him and doing a dishonorable and unfair mercantile thing. That is where the demoralization comes in. As to Mr. Kline's opinion, that this question involves the same features as the rebate plan, I think this is of a different character; here we are involving the laws of our country. We want to be obedient to our laws, and the law prescribes that we must buy these goods from the agent only. There is a great difference between a man who cuts the price on patent medicines and a man who disobeys the laws of the United States, I think it is simply due to us that our laws should protect us, and if an article can be bought as the gentleman said, at a dollar and a quarter a pound in England, or any other foreign country, we ought not to be asked to pay eighty-five cents an ounce.

MR. CARTER—This discussion is what the Board of Control wanted to avoid. Therefore, it brought in its report as it did. They have looked at all sides of the matter, and have decided that it is not wise for us to undertake to change the patent or trade-mark laws of the United States for this reason: If we consider the argument as regards the cost of the article

in a foreign country, we have the same argument that the patent medicine owner makes: an article may cost ten or twelve cents a bottle, and we may have to pay twelve dollars a dozen to a jobber. It is the advertising which makes the cost, and it would not be fair to criticise this part of the subject when we know nothing about it. We do not think that this discussion would be profitable to ourselves, to advertise to the trade of the United States who are not aware of the state of things, the price at which these articles are sold. If we do, they will endeavor to buy these articles at a lower price. The Board of Control decided that it was not feasible for us to take any action in this matter.

THE PRESIDENT—The chair recognizes the wisdom of the Board of Control in forestalling this discussion.

MR. DANIEL MYERS—I am a member of the Board of Control, but since our conference I have had some little light on the subject, and it has been turned on by the discussion here. I see now the recommendation of Mr. Meyer is the proper thing to adopt—to refer the matter to a special committee, that committee to report at the earliest possible date. We should consider the legal side of the trade-mark right involved in this affair, and ascertain whether the owners of the trade-mark right are ready to test it in the courts, and do away with the illegitimate selling of these articles. I therefore move, Mr. Chairman, that a special committee be appointed to take charge of this whole matter, and report at the earliest date. It is a moral as well as a legal question. We are in a peculiar moral attitude throughout the United States as wholesale dealers. We must sell the

legal article or let the illegitimate vendor take our business away. The retail dealers call us to account for selling the legal article at one dollar an ounce, and we are criticised because they can buy it from the illegitimate peddler for thirty-five or fifty cents an ounce. We want to know what our legal position is, and this special committee can ascertain the fact in thirty days.

Mr. Myers' motion was seconded.

MR. ROBINSON—It seems to me we are getting into an unnecessary tangle about this matter. I think the Board of Control has taken about the best position possible on this subject, and if they will allow me to add a few words—

MR. NOYES—May I ask Mr. Robinson to first read the clause as it is?

THE PRESIDENT—Mr. Weller will kindly read the resolution. Resolution read.

MR. ROBINSON—It seems to me this is a matter for the courts to settle. It does not require any legislation or any amendment to the laws that now exist, but the courts are to decide on the matter as the laws now exist, bearing upon this subject under discussion, and if the Board of Control would add certain words to this clause I believe it would meet the objections on all sides. I move that these words be added to the clause in question: "And, therefore, they deem no action necessary at this time by this Association."

Vice-president Hover in the chair.

MR. ELIEL—I wish to second the motion of Mr. Robinson as to the amendment offered by him for this reason; that I differ entirely from my friend Mr. Myers as to what this special committee of three



could do. He seems to be of the opinion that this committee could in thirty days find out what the agents of these articles, which we are so eloquently advertising to-day, have been unable with all the means at their command to ascertain in many months or years. I submit that this whole discussion is out of place here, as the matter under consideration is one with which we have no concern, certainly not in the shape which this discussion has taken. The agents of these goods who own the American patent rights have made them valuable by the expenditure of their money. Mr. Carter's point is perfectly well taken, that it is utterly out of place for us to say or to pretend to say what these goods cost, or what they are worth. The fact that they are sold at one price in England does not establish their cost in this country, and this whole matter, it seems to me, should be left in the hands of the agents of these goods, who, as Mr. Kline said, are more interested in protecting their rights than we possibly can be. We suffer in our locality as much as you do anywhere, and more than many of you, for we are nearer the Canadian line, from where nearly all these goods are offered. We know that agents peddle them every day, and the retailers buy them, and we do not blame the retailers for buying them. I am of the opinion of Mr. Redsecker that the retailer is not doing anything dishonorable when he buys the goods, knowing that the articles are identical with the others sold at the higher price, and knowing that when a prescription comes in for phenacetin, and he has an ounce of Canadian phenacetin, that he can use it with perfect justice to this physician. I only hope when Mr. Redsecker's neighbors do buy



this phenacetin, and use it in prescriptions, that they will remember that they ought not to charge for that prescription the same price they would if they had paid the other legal price. (Laughter and applause.) I happen to know that in our section of the country this matter has been actively taken up by the agents of the articles. They have pushed the matter very actively, and a number of our customers have been subpœnaed in actions brought against them. The combined force of these retailers have employed the best legal talent they can get, and these cases have been in the courts of our state for many months, and are going through those legal processes which cannot be hurried. This same action has been taken in other sections of the country. The agents of these goods are trying to protect their rights, and I do not understand that they are asking any help at our hands, and it is a matter that we could well keep our hands off of. (Applause.)

MR. SCHNEIDER—We buy 500 ounces of phenacetin at eighty-five cents an ounce, and we sell it for a dollar an ounce, and make money. Of course, we all like to buy things cheap. If we buy at five cents an ounce we will have to sell it at six, and make nothing. The president says he does not care whether the retailer buys phenacetin or not. When a peddler from Canada comes into a retail store in the United States and offers phenacetin, and the retailer buys it, he commits a misdemeanor; and when a jobber sells any of this phenacetin under such conditions he commits a misdemeanor. We are here for our mutual protection, and if we could buy phenacetin and sulphonal at five cents and sell it for six cents we would make nothing. Who is making

any money on acetanilid at thirty-eight cents a pound?

THE PRESIDENT—The chair will correct the gentlemen in two respects. In the first place he did not say that the retailer was not committing any misdemeanor when he bought Canadian phenacetin; he said he did not blame him. In the second place Canadian phenacetin is not a substitute.

MR. SCHNEIDER—You said you did not blame him.

THE PRESIDENT—I said I did not blame him. I did not say he was not committing a misdemeanor.

MR. DANIEL MYERS—As far as I am concerned this is not a question of dollars and cents, but I consider it from the standpoint of a moral and legal right, that we should respect everybody's trade-mark rights. This Association is pledged to respect the trade-mark rights of proprietors. Our moral power can do more to eliminate illegitimate trade-mark articles than all the legal force you can bring to bear on the subject. We have exterminated from the market thousands of articles by the moral power of this Association by discountenancing such things. They are the owners of the trade-mark "Phenacetin" and "Sulphonal." I want to know what my legal rights are in the matter and do not want to trespass upon anyone's trade-mark rights, legal or moral, and the object of making the motion was to refer it to a special committee to ascertain that. Is it not worth \$200 to know whether we are trespassing on the rights of these people? And that the article which the vendors bring over from Canada is illegitimate? I could make several hundred dollars each year if I had the right to buy these Canadian goods. I want to respect their

moral trade-mark rights, as well as their legal rights. Therefore I introduce the motion and hope it will prevail. My motion is that the whole matter be referred to a special committee, as Mr. Myer recommended in his letter, to take up and ascertain what our rights are, and report immediately.

MR. REDSECKER—It seems to me the impression has gone abroad that I approve of retail druggists buying these goods at a lower price. I did not say that, and did not wish to convey that impression. I said you cannot blame them when they are selling 50 per cent. of their goods at cost, if they buy these goods when they get the regular article at a lower price. I have felt like buying these goods, but did not want to get involved in any lawsuits. (Laughter.) In foreign courts it has been decided that there is no right in the name phenacetin; that was decided in the German courts and in the courts of Switzerland, that the manufacturer had no proprietary right in the name of phenacetin, or the preparation of phenacetin.

MR. KLINE—I want to make an amendment of which the members will at once see the force, and that is to this committee be also referred the question as to whether the rebate plan is legal or not. One is as practicable as the other. The agents for this article in this country I think know their rights, but it is a difficult process to enforce them, and that is the reason there has been no decision. How can a committee from this Association ascertain and decide that question in thirty, sixty or ninety days? If they can ascertain that, I move that to this committee be referred the question whether the court will finally decide the proposition of the rebate plan in our favor.

I want to recommend a Mrs. Baldwin, who is the only person that I ever knew who is able to tell by mind-reading what would occur in the future.

MR. WELLER—I think we are meddling with something here that is none of our business. The Board of Control went over this thing and then made the recommendation as referred to on the other page. I think that matter is before the house and not Mr. Myers' motion. I think Mr. Robinson moved that the recommendation of the Board of Control be adopted. It seems to me that the people who are the agents or owners of phenacetin and the other articles referred to on this side of the water are able to protect their rights without any advice or assistance from this Association. If they cannot do it they must suffer the consequences. People can come in and sell phenacetin at thirty-five cents per ounce, if they wish to do so. We presume the agents of these preparations are making an effort to protect their rights and we offer a resolution covering the case as we think so far as this Association is concerned. We take it for granted that these preparations are legitimate, that the agents in this country have spent thousands of dollars in building up a trade, and they are entitled to our support. We are not compelled to buy outside phenacetin. I think most of it is sold to retailers and very little to jobbers in this country. We have been offered phenacetin delivered in Omaha at a very low price, but have refused to buy it. We think the only thing for this Association to do is to adopt the resolution offered by Board of Control.

MR. ROBINSON—I agree with all our friend, Mr. Myers, has said and all that Mr. Weller has said. This article has been offered time and time again to

us at a greatly reduced price, but we have never purchased an ounce of it, because we believe as a matter of right that it belonged to the gentlemen who hold the agency in the United States. In our judgment, we felt that was the right course for us to pursue. I would offer as a substitute for Mr. Myers' motion that the Board of Control will simply consent to the addition of the words "and therefore the Board deems that at this time no action is necessary by this Association." In other words, the matter is in the hands of the court and we cannot hasten it; we must await the decision and do not need any additional legislation. The matter is for the courts to determine; and these gentlemen who are much more largely interested than any others here for pressing the matter, and we cannot hasten the decision. I offer as a substitute to Mr. Myers' motion that these words be added to the report of the Board of Control, "and deem it unwise for the Association to take any action in the matter."

THE PRESIDENT--The chair understands this motion is a substitute.

MR. WELLER--We accept the amendment made by Mr. Robinson. In my judgment, it simply makes it a little clearer, it means the same thing--simply adding a word or two of explanation. The letter is all right. We were simply of the opinion that we could take no action in the matter because it properly belongs to the parties who control these preparations in this country to protect their own goods, and it is not our business to take it up for them and endeavor to prevent piracy. Of course, I believe it is the duty of every jobbing druggist to use whatever influence he may have in favor of the legitimate article and not



buy from outside parties, and indeed, I think there is very little of it being sold. I do not believe 1,000 ounces of the stuff has been sold in this country in six months outside of that placed upon the market by the regular agents.

MR. DANIEL MYERS—I state what my resolution was. Its simple purpose was to accomplish some good, that the whole matter be referred to a special committee to act on and to report at the earliest possible date. Now, that committee could turn light on the whole subject—and that would favor a number of our Association; as for fixing it up as Brother Kline has done, that is all ridiculous; that is a huge joke made by Brother Kline for the purpose of throwing dust on the whole thing. It is a simple question and I hope you will put it to a vote.

THE PRESIDENT—It will. There is no point in Mr. Myers' resolution. Mr. Myers' resolution is unnecessary, because that is the recommendation of the Board of Control.

MR. MYERS—That is a mistake.

MR. KLINE—I shall have to correct Mr. Myers. His motion certainly was to refer to the committee; now he puts the whole matter of reference to the committee in such a form that the committee will have to report upon the legal status.

THE PRESIDENT—The stenographer will read the resolution.

MR. MYERS—The committee would report on all the matters. I do not mean to refer to everything that they would report on. Mr. Kline should know that they would not report upon things not embraced in the paper.

The stenographer then read the resolution as fol-



lows: "I therefore move that a special committee be appointed to take charge of this whole matter, to report at the earliest possible date. It is a moral question as well as a legal one."

MR. WELLER—I would like to know what the difference is between the resolution we have heard read and the one offered here. This means the same thing. We passed that resolution in the Board of Control. We passed it because we thought the matter did not belong to us, that it was none of our business. That it should be taken in hand by the people who owned these preparations, that they should look to the protection of their own goods; they are certainly more interested than we are. We go on selling phenacetin and are satisfied with the result; it is no business of ours to investigate and find out who is importing it; for this reason we offered the resolution we did.

THE PRESIDENT—The chair would like to know from Mr. Myers wherein his resolution differs from the resolution of the Board of Control.

MR. MYERS—The Board of Control offered no resolution on which we could act. They passed it over—they turned it down. The Board of Control offered no resolution on the point. Therefore, in order to have a resolution on that point to cover the matter, I offered my resolution. That resolution has been twisted and mixed up right along and I am glad the stenographer had it down correctly.

THE PRESIDENT—Now we have got it right. I misunderstood Mr. Myers' resolution. I thought Mr. Myers' resolution carried with it the ascertaining of the legal status of the sale of these goods.

MR. KLINE—So it did.

THE PRESIDENT—If it did not, I misunderstood it.

MR. MYERS—You just heard it read.

THE PRESIDENT—Are you ready for the question, gentlemen?

MR. MAIN—I sincerely hope this resolution will not prevail. The gentlemen who are agents for the United States for the trade-marked goods in question are members of this Association. From what we know of them we know perfectly well that they would not for a moment attempt to sell any article in which they did not believe they had full legal rights, and the question as to their legal rights is, I am informed, now being passed upon by the courts. A committee from our body could do nothing to change or influence the decision of a law court. We would stand in a peculiar position if our committee reported one thing and the courts reported another. It seems to me that the best thing we can do is to adopt the recommendation of the Board of Control, and not pass a resolution directing the special committee to act upon something which they cannot properly act upon.

MR. NOYES—I do not propose to take much time in this discussion. It seems to me this is a very simple question. These gentlemen have rights, which we all acknowledge, whether they are as great or as wide reaching as they claim is an open question. This matter is now in the courts, and it seems to me it would be extremely unwise for us to attempt to expedite the matter by appointing a committee, which would be considered by these parties and by many as an act of sympathy on our part by those who are opposed to patent rights. We received a letter from a Chicago legal firm stating that it was employed by

a large number of gentlemen interested in this matter, and asking us to boycott the proprietors in order to force them into a capitulation. It seems to me the course which it would be wisest for us to pursue is that which the Board of Control recommends. We are pledged by our character in business to support them in their rights. Let us give these gentlemen our hearty and willing support until the question is decided in the courts. (Applause.) At the same time let us lend the weight of our friendship and our business relation with them to bring the price to such a basis as might be deemed reasonable by all.

MR. MEYER—I will be glad to take back my whole letter and call it null and void. In my experience as a merchant, I do not think that anything of a similar character has come up before, and I thought there was something wrong with this thing of selling goods, which has been going on, and I thought the Committee on Legislation would be the committee that ought to speak of it. I am perfectly willing, if you will allow me, to nullify my petition and to apologize for ever having written it, because I did not expect to bring about any bad feelings, nor did I have any personal object. My only object was to be an obedient citizen, and see that no temptation was offered to me to buy those goods.

THE PRESIDENT—Mr. Myers misapprehends the situation. We are glad he brought this matter up.

MR. MYERS—I do not wish to speak too often on this question. I am in full accord with what Mr. Main has said, but it is not to the point. The resolution does not propose to do anything with the legal side of the question, and to turn light on the

whole subject I move that it be referred to a special committee to make a report.

MR. NOYES—I ask that the resolution of the Board of Control be read, and that Mr. Myers' substitute motion be then stated, and we will then have it before us, and then we can act upon the resolution, the original motion, the motion of the Board of Control—I do not exactly know what the motion of the Board of Control is, or what is the substitute offered by Mr. Myers—it will take us but a moment.

MR. WELLER—In closing the report they presented the resolution which we in our judgment could not endorse, that is the one I read a moment ago.

MR. NOYES—I wish you would not read anything again that is ancient history now. Let us have the resolution.

MR. WELLER—Then I was going to refer to this resolution. The Board of Control is of the opinion that the agents of the different preparations are doing all they can to stop piracy and protect legitimate dealers in the handling of their goods.

MR. ROBINSON—There has been a good deal said on this subject. Let us see if we cannot get it into shape so that we can act definitely upon it. If I understand, I offered a substitute to the resolution, the language being nearly the same as that used by the Board of Control, therefore this Association deems it unnecessary or unwise at this time to take any action upon this question now pending in the courts.

I want to say while I am on my feet I am glad as one member of this Association that our friend Mr. Meyer of St. Louis has brought this to the notice of the Association. I think the wisdom of bringing it to

the notice of the Association has been demonstrated by the discussion brought out, and the position of the Association on all these matters, as to matters of right and wrong, has been very clearly stated, but when it comes to a matter of legal right that matter will have to be decided by the court, and if the court has it in charge, I don't see how we can aid them.

MR. MEYER—I call for the reading of the resolution of the Board of Control.

MR. NOYES—That is what we had just now. Mr. Robinson offered an amendment, which the Board of Control accepted, that no action at present was deemed necessary or expedient, and Mr. Myers, as I understand it, has offered a substitute.

MR. KLINE—He offered an amendment.

MR. NOYES—It was practically the resolution of the Board of Control on which we commenced our action, and then we had the amendment offered by Mr. Robinson, and then that by Mr. Myers. Now I would like Mr. Myers to state his amendment, and then we will have the matter before us, and the chair will be able to have the action taken in a direct way.

MR. MYERS—My understanding is—and I am a member of the Board of Control—the Board of Control offered no resolution and took no action on Mr. Meyer's letter.

MR. ROBINSON—They deemed it inexpedient to take action.

MR. MYERS—Therefore, to turn the matter over, and to handle it in the most intelligent manner, I made the motion that I did. We do not propose to go into a legal action. You are simply to act by gathering together information. I am sure the com-



mittee can spread a great deal of light on the whole question before you.

THE PRESIDENT—The chair desires to state at this time the question before the house. The recommendation of the Board of Control is that no action be taken at this time. The motion of Mr. Myers is that action be taken at this time in the shape of the reference of this subject to a special committee. The question will now be upon Mr. Myers' motion that this matter be referred to a special committee.

The president put Mr. Myers' amendment, which was lost.

THE PRESIDENT—The question is now on the recommendation of the Board of Control. The chair is of the opinion that that requires no action.

MR. WELLER—There is an addition to this—Mr. Robinson's amendment.

THE PRESIDENT—I understand the Board of Control accepted that and that therefore no further action is required.

MR. KLINE—We must adopt the recommendation of the Board of Control, as amended.

THE PRESIDENT—The question is on the adoption of the recommendation of the Board of Control, as amended.

MR. CARTER—It does not seem to me necessary or advisable that this discussion should go on our records; it would go among the retail trade and not do any good. I move, therefore, that all this discussion on the resolutions as offered by the chairman of the Board of Control be expunged from the records.

MR. KLINE—I sincerely hope that it will not prevail. This discussion has been of considerable use and will be valuable if it is spread upon the minutes.



I have been congratulating myself since it has been going on—although the chair has become impatient—that it has come to pass that this Association can get intensely interested on some question other than the rebate question. I hope you will not expunge from our records everything which does not relate to the rebate question.

THE PRESIDENT—The chair hopes that the convention has not been impressed with the idea that it has been unreasonably urgent in choking off this discussion.

MR. MYERS—I regret to notice that a member should even by insinuation say that the chair has been impatient. The chair has been patient through all the matter, and great good has been accomplished. I am sorry that the chairman of the Proprietary Committee was disappointed that we could get interested in something outside the question of proprietary goods. He even could not let the opportunity go by without lugging in the patent medicine question.

MR. WELLER—As to this National Transportation Association this matter came up a year ago, and the committee handled it in about the same way. We could not see where this Association would gain anything by joining that association. The membership fee is \$50, and then we are assessed proportionately with other associations. I investigated the matter and found it would cost this Association five or six hundred dollars a year, and we have not a half dozen members who would be benefited by our becoming members. We made a similar report as this last year.

MR. DOLIBER—What is the name of the Association?

MR. WELLER—The National Transportation Association.

MR. NOYES—Is not that a Chicago association, practically a local association?

MR. WELLER—It is called a national association, but is practically a local association.

MR. NOYES—If we were in Chicago it would be all right; but doing business in St. Paul or any other city I do not think I have any interest in it.

THE PRESIDENT—The question is now on the adoption of the report of the Board of Control as a whole, in reference to this subject.

Carried.

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### REPORT OF COMMITTEE ON ADULTERATION.

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Mr. President and Gentlemen: While it is true that the adulteration of drugs does not at the present time cover as large a field as it did twenty or twenty-five years ago, still the practice continues. In former days it was a rule, rather than an exception, to find it extensively resorted to, but now as prices have lessened on the greater portion of drugs and chemicals, and the desire is for better quality, there is not the same incentive to resort to this dishonest mode of deception as was then. At the present age, and during a period of the past ten years, we have been flooded with so much literature upon this subject and the easy manner of detecting adulteration upon the more important articles at least, that the jobber has been educated up to the point of placing every safeguard possible, which has aided greatly in checking the manipulation of the past. A great deal of sharp practice exists at the present with department houses and grocery stores where goods are sold below the cost of production of the pure article. As a proof of quality we cite the examination made some time since, and the result of the charges instituted against the druggists of the State of Ohio by the Pure Food Commission of that state.

The offenses there, so far as the writer can learn, were but few, and were in the nature of the quality, rather than any distinct adulteration, the goods presumably having been sold over the counter as pure. This law, properly administered, would not be objectionable, as it would be the means of raising, in part, the standard of drugs, certainly not lowering them.

Drug millers of to-day furnish a fair line of goods, and if any attempt at cheapening is done it is usually caused by using an unmerchantable appearing goods in making the powdered article, rather than by substitution. Much of the present trouble in trade is caused by drifting out of the proper channel of distribution, the department houses and grocery stores catering to the cheaper class of trade, have to manipulate the goods in order to satisfy the wants of this trade. Chief among this class of goods that we come more largely in contact with from them, are

#### FLAVORING EXTRACTS.

More especially extracts of lemon and vanilla, which constitute the large portion of our sales in this line. The former is very extensively manipulated by the small manufacturer with the liberal use of carbonate magnesia, water, yellow aniline, with a small amount of oil lemon grass, and they produce a fair-looking article, and one that is accepted in the market. The same holds good with extract vanilla—a little eumerin dissolved in alcohol, mixed with water and colored with caramel sweetened, constitutes very largely the article that is on the market, so that the honest manufacturer finds much trouble in getting the price that a genuine extract made from the true bean has naturally got to bring.

#### CREAM TARTAR.

During the past year a sample of powdered cream tartar came up for inspection, having a suspicious surrounding, and on examination it was found to consist entirely of terra alba, with about ten per cent. of tartaric acid. In this case trade is easily fooled with this mixture, and many would select the imitation in preference to the genuine on account of the slow solubility of the pure; it is also a recognized fact that the article that is generally marketed by the grocers contains corn starch. However, I am pleased to say in this connection that our chemicals, as a rule, are nearly always pure and found just as represented, only exceptions as in the

abovecase. If we received the same honest representation on other lines in the market as we do on chemicals, we would only have praise to offer.

#### ACIDS C. P.

It is a noticeable fact that a great deal of what is sold for C. P. acid is not up to the requirements of the Pharmacopœia. In obtaining four samples from open market, in making a sale of a carboy to a wholesale jeweler from whom we had complaint, there was only one that had the specific gravity called for. The commercial acids on the market naturally vary considerably as to strength, and this is well to know in adjusting complaints, that we all meet with in our routine of business.

#### GUM OPIUM.

Owing largely to price, however, this has been manipulated in more and various ways than most any other article on the market to-day, yet it seems that spurious goods are soon discovered by purchasers, as they are upon their guard, and you rarely pick up one of our journals that you do not find where some new manner of adulteration has been resorted to and discovered. We first mention a standing trouble, that is, the percentage of moisture both in the gum and powdered, and in the judgment of the writer this should be considered in its valuation equally as much as any of the other charges. We quote from an article of August 17th in the Paint and Drug Reporter, where one of the largest and oldest dealers of Smyrna has been making a practice of buying up the pickings that had been rejected and mixing them along with the higher grades, and palming it off upon unsuspecting buyers. In a more recent article we notice that some of this gum had reached our ports, having been mixed in proportion to pass muster as far as the Government requirements. This is plain to be seen a species of deception, and we hope it may be discountenanced by our Secretary of Treasury on a final decision. By a rigid stand on this and similar questions, where their intention of gain is apparent upon the face of it, such would be greatly checked from fear of punishment. Law will not make the dishonest honest, but, knowing of the results if they are detected, restrains many from straying from the correct pathway.

#### COD LIVER OIL.

The different statistical reports on this article show that the yield of the more desirable brand of oil is short and we can expect

this to be more or less adulterated with the less desirable brands, unless a willingness is shown by the purchasers to have standard brands and pay the price, which will aid much in alleviating this trouble. We notice our local market is putting out what they term "Domestic Newfoundland Oil." What its virtues are the writer was unable to obtain, but for the sake of the purchaser we would advise examining twice before acting.

#### ESSENTIAL OIL.

This seems to be one line which has a great fascination for the manipulator and in which his skillful hand appears frequently; notwithstanding all the information we are daily receiving, it does not lessen as much as other branches of trade. In this connection I am going to call attention to an instance that came to our notice during the past year in which turpentine did not play an important factor as an agent of adulteration. A package of oil cassia that was mixed with rosin oil was discovered by attention being called to the soft solder in the mouth of the container, which had been replaced by hard, and led to an examination, with the above results.

#### FLAXSEED MEAL.

It is a common occurrence to find it lacking in oil, which is due to their using the poor quality of seed that is thrown aside and is not profitable for pressing, and is ground into meal.

Powdered elm bark, although very cheap, is found to be mixed with flour extensively.

We would like to add that we have nothing but praise to extend to each and every means that is brought to bear for exposing the guilty, and we should hail with the greatest encouragement any light that is thrown upon the subject; our trade journals, as well as legislation and individual efforts, all lend assistance and should be credited with their reward, although some may be of greater influence than others.

Respectfully submitted,

H. W. EVANS, Chairman.

MR. MAIN—As one of the representatives of the American Pharmaceutical Association I was requested to bring before this body a matter in which they are very much interested. That body has a



special committee upon the status of pharmacists in the army and navy and the Marine Hospital service in the United States. They had three bills introduced in the last Congress in support of their ideas. They now wish our Association to aid them in obtaining the relief which they think necessary for the hard-working men in the service of the Government who are pharmacists, and I would move that this subject be referred to the Board of Control, with a request, if they deem proper, that they present a resolution on this subject at one of the next sessions of this meeting.

MR. KLINE—The suggestions brought up in connection with the report of the Proprietary Committee are made the special order for 12 o'clock to-morrow, and resolutions are to be offered in connection with the matter. I move that the report of the Proprietary Committee be made the special order for 12 o'clock to-morrow.

THE PRESIDENT—That will be considered as the action of the convention, if there be no objection. The chair would like to recognize Mr. Dalley, who has tried to be recognized before.

MR. DALLEY—If it is in order to offer a resolution touching the rebate on alcohol, there have been two reports in which reference has been made to a report on alcohol, and I therefore desire to offer a resolution touching that matter, if it is in order.

THE PRESIDENT—I think the convention will be glad to hear from Mr. Dalley in connection with the subject of alcohol, as we know he is acquainted with that matter.

MR. DALLEY—Mr. Chairman, I desire to offer the following:



*"Resolved,* That while this Association favors a rebate of the tax on alcohol rather than alcohol free of tax, be it therefore

*"Resolved,* That the Association favors a rebate of a part of the tax only, the remaining part to be constituted as a permanent fund with which to operate the law."

During the last session of Congress, and during the period which we might term the compromise period, when the matter was under discussion as to whether Section 61 should be repealed or not, it so happened that I was in Washington, and some action with reference to compromise was referred to, and previous to that period we were endeavoring to force parties into a position which would compel them to make a compromise which would be very satisfactory to us.

THE PRESIDENT—I hesitate very much to interrupt Mr. Dalley, but we shall be glad to hear from you on this matter, and we want to hear from you at length and we want to give you careful attention. I think you misapprehend the situation at this moment. Our time was up in this room fifteen minutes ago.

MR. DALLEY—I will bring this matter up to-morrow.

THE PRESIDENT—If you will kindly do so you will oblige me. Now, gentlemen, the time has come when we must adjourn.

The Association then adjourned, to meet to-morrow at 11 o'clock.

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### SIXTH SESSION.

*Thursday Morning, Oct. 8.*

President Eliel called the meeting order at 11:15 a. m. on Thursday, and announced that the first business in order would be to act on the report of the

Committee on Nominations, which was presented on Wednesday afternoon.

MR. MAIN—It remains now for the Association to act upon the report, and I move you, sir, that the report be adopted.

THE PRESIDENT—The usual course is to ask the Secretary to cast the ballot of this Association for the gentlemen named.

MR. KLINE—As there appears to be no opposition to any of these nominees on the ticket, I move you, sir, that the report be adopted, and that the Secretary be instructed to cast affirmative vote for the names just read.

Motion unanimously carried.

THE PRESIDENT—Those of you who were at Denver will remember what a feature the installation of officers was and what a gratification it must be to your new officers to be inaugurated as if it meant something. The chair would suggest making it a full dress affair at 6 or 6:30.

MR. KLINE—I move that it be 6 o'clock.

MR. ROBINSON—I move that the installation of officers be made a special order of business at 6 o'clock, and be made a dress affair.

The motion was carried.

THE PRESIDENT—Is the chairman of the Committee on Time and Place of Meeting ready to report; if so, we would be glad to hear from him.

Mr. Walker presented the following report:

The Committee on Time and Place of Meeting respectfully report that they have received most cordial and hearty invitations from the following cities: Milwaukee, Richmond, Savannah, Nashville, Atlantia, St. Louis and San Francisco.

Inasmuch as it is the object of the Association to promote the best business interests of its members. your committee, therefore,

were moved to brush aside all matters of sentiment and social attractions in selecting a place for our next meeting. Therefore, we recommend, after having carefully conferred with members from all parts of the country, that the next meeting be held in the second week of November in the city of New Orleans.

WILLIAM J. WALKER,  
DANIEL MYERS,  
W. J. WALDING,  
Committee.

MR. PETER—I move the adoption of the report.

MR. PEEK—I move as a substitute that we meet in Savannah instead of New Orleans. Savannah is in a more centrally located position, and in the middle of the trunk lines from the East and West. It is a very beautiful city and has a great many attractions, and we are very cordially invited by the people of Savannah. I am sure if we had a meeting there, it would be a memorable one for this Association.

A MEMBER—I would like to inquire why the time of meeting is so much later than customary. Heretofore it has always been in October.

THE PRESIDENT—We could not meet in Savannah in October unless we took our mosquito nets with us. (Laughter.)

MR. KLINE—I am interested personally in this question of the place for holding the next meeting, and I am sorry to have to rise to differ from the report of the committee, but I feel that I must do so. I think it most fortunate that we meet this year in what is a central city, at any rate the number of members here would demonstrate that it is near St. Paul and Chicago and the other large cities of the West. To attempt to go as far South as New

Orleans—and I realize it is desirable that we should go there, because they will not come to us—would be a serious mistake at this time. We would probably have a corporal's guard in attendance, unless I am very much mistaken. I suppose the motive the committee had in making this recommendation was to get New Orleans' houses interested, as it is evident they are not at the present time; but I would call attention to a city, if you are going to do missionary work, equally important at the present time as New Orleans viz: Milwaukee—a city which has been repeatedly before this body, asking that the sessions be held there; a city which just barely escaped at Montreal, if I remember, getting the meeting; and it is a fact that when we hold our meetings in the West in a city which is easily accessible to the Eastern members we have nearly as good a meeting as when we meet in Philadelphia. I am constrained, therefore, to move a still further amendment to the effect that the city of Milwaukee be substituted in place of New Orleans.

MR. CARTER—In the course of my correspondence as chairman of the Membership Committee with different firms through the country, I found that there are a great many of the Southern jobbers not members of the Association, and there seemed to be some feeling of distrust among them, and petty jealousies in the cities of the South, including Texas, Louisiana and along the southern part of Mississippi. Before the Committee on Time and Place of Meeting I read a letter from a member of the South, who thought it would bring a great many into the Association if the meeting was held in the South, and I suppose that has had some influence with the decision of

the Committee. This same feeling of distrust and jealousy has affected some of the places north of the section mentioned; for instance, St. Louis and Chicago. There has been a great deal of cutting of prices among them, and it struck the committee if they had a meeting in the South it would do good for St. Louis and other places north. It seems to me, for the benefit of the Association, it would be a good idea to have the meeting in the South, although at the time I did not expect to go quite so far South.

MR. MORRISON—I wish to say a few words on this subject on behalf of the city of Milwaukee. When I went before the Committee on Time and Place I told them I would not raise the question of the city of Milwaukee on this floor in opposition to any decision which in their wisdom they should make. It was not my intention to raise such a question, and I did not raise it. I have since been told by a member of the committee that I was released from the obligation, and would have an opportunity to give Milwaukee its proper representation in connection with the report of the Committee on Time and Place. For a number of years Milwaukee has extended its hospitable arms to this Association; it has fully placed before you its admirable facilities for the accommodation of this convention. Milwaukee was presented at the city of Montreal, and the constitution of this body was called against it, by which the proprietors, who are jointly invited to meet with you, were not permitted to vote on this question, by which Milwaukee was prevented from receiving the convention, although there was a strong sentiment in its favor. Milwaukee has been subjected to a se-



vere punishment by this Association. It has been said the jobbers in that city have not shown sufficient interest to warrant us going there. The argument for going South is as applicable to our city as to the South. There are four jobbing houses in Milwaukee, and I do not think they fully realize the scope, magnitude and great benefits derived from the Association. If you wish to do missionary work, the city of Milwaukee extends to you a most hospitable invitation. It will take care of you properly, and feels that it has been punished quite severely enough during the last eight years.

My reason for not wishing to bring this matter before you at this convention is the fact that we have extended arms so long that I feel it is almost a sacrifice of the hospitable reputation of our city to be continually laid aside for some other diplomatic consideration. I trust there will be a full discussion on this question, and the great metropolis of the lakes will be given the careful consideration to which it is entitled.

MR. POWERS—Mr. President: Some thirty odd years ago, quite a number of these gray haired gentlemen that I see before me were anxious to visit the city of Richmond, the capital of the Old Dominion. At that time the approaches to the city were very inaccessible. So difficult were they that many of them became faint hearted, turned back and gave up the trip. (Laughter and applause.)

The hotel accommodations were also very insufficient. It is true we had the Hotel Libby (laughter and applause), but owing to its crowded condition with unwilling guests, some of them were uncom-



fortably housed. The cuisine served there was not up to the times.

Fortunately, all these conditions have changed. We have now three great trunk lines entering Richmond with their parlor cars and other conveniences and comforts, the Chesapeake & Ohio from the West, the Pennsylvania from the North and East, and the Southern penetrating every section of our Southern territory, so that there is no difficulty in entering it now. Then too, we have the prettiest hotel in America, the Jefferson, with its palatial halls, its beautiful grounds and tropical plants where you can be most comfortably entertained. I was on the committee and yielded to New Orleans, but stated that if the report was not adopted and some other city substituted for New Orleans, that I would present the claims of Richmond. If you go there you will have a central place for your meeting, and we shall be glad to see you. We cannot entertain you as lavishly as Philadelphia, New York and some other large cities have, but we can give you a cordial welcome. We have some things that are even better. We have the prettiest women in America. (Laughter and applause.) And a city full of historic interest. I therefore, Mr. President, move that the city of Richmond be the place for our next meeting.

MR. MYERS—As a member of the committee on the nomination of time and place of meeting, I wish to say that we have as a committee no particular preference for one place over another. The matter which we aimed at was to have the meeting in the place which will promote the best business interests of this Association. We lost sight of one very important point, however, and that is the fact that this Association

is in the courts, and one of the most vital questions will be passed upon during the coming year, and at our next annual meeting, it will be exceedingly important to bring together the best fighting material in this Association, the most aggressive men we have in our body, and the question arises in my mind, will these men journey all the way to New Orleans to attend our next meeting? I fear they will not; and for that reason, gentlemen, I will change my mind, and I will support Milwaukee as the place for holding the next meeting. I understand that some years ago Milwaukee presented its claims at Montreal, and that we lacked only some two or three votes of deciding in favor of Milwaukee. Milwaukee has urgently solicited us in a most courteous manner, and as a matter of courtesy, it seems to me now that we should have our next annual meeting in Milwaukee.

I understand that they presented their invitation in a gold box at Montreal. If it had been presented in a silver box, I might not have supported it. (Applause.)

Milwaukee deserves the recognition that that question is attracting through the country. I am in favor of Milwaukee, and move that the chairman of the committee to select the time and place of meeting substitute Milwaukee for New Orleans.

MR. FAXON—I would inquire if the invitation coming from Milwaukee this year is enclosed in a gold box?

MR. MORRISON—For the information of the gentleman I beg to say that that gold box is one hundred cents on the dollar, and the State of Wisconsin is a gold state. It will vote for sustaining the honor

and business integrity of our great and glorious country.

MR. MAIN—I think not only as a matter of courtesy, but for the best interests of the Association, we ought to vote in favor of Milwaukee at this time.

MR. PETER—I have no interest in any of the cities in particular. I will go anywhere; but it seems to me that every argument brought forth on this floor is one to sustain the action of the committee. Here are a number of cities making applications to have the meeting held in each particular place. The South has never had it—we have never been further south than Louisville—and down in the South they consider us in that city Yankees, and in the North they consider us rebels, and we do not know where we are (loud laughter). It has been said that there would be a great deal of difficulty in getting an attendance at a meeting held as far south as New Orleans, but the gentleman who made the strongest argument along that line also stated that the next meeting will probably be the most important in the history of the Association. If an important meeting will not be attended in the South, when will the South have the meeting? You never saw these people in that section, and do not know them. You will be surprised to see what they have in that section. They do not carry pistols and drink whisky; they are kind and hospitable; and as for pretty women, New Orleans is the only city that can compare with Richmond in that respect. (Applause.)

THE PRESIDENT—When Mr. Myers said that at our next meeting we would probably need the best fighters in our Association to help us. I do not know whether he meant it as an argument against

the South or for the South, but we know that some of the fighters of this country are south of Mason and Dixon's line. I am glad to hear this discussion, and trust it will go on until the consensus of opinion here is fully obtained.

MR. MYERS—I think we had better take a vote on Milwaukee and the other places. The gentlemen from these cities are all nice people, and have nice cities; but the question is, How can we bring into our fold gentlemen who have not taken any interest in our Association? Here is the State of Texas and the States of Tennessee and Florida, and, in fact, the majority of the Southern wholesale druggists have taken no interest in our Association, and I am afraid we cannot bring them to Milwaukee; but I do believe they will go to New Orleans, and if we can get the Eastern people to go there I am satisfied that the Northern, Western and Southern people will go there, and New Orleans should be the place.

MR. MAIN—I must say that I differ greatly with the last speaker. I do not think the question as to where we can get the most members should determine the next place in which to hold our meeting. We must hold the meeting at a place which is accessible to all sections. Milwaukee is accessible to everybody. I think we should hold our meeting there next year, not only as a matter of courtesy, but for the best interests of the Association.

MR. QUEEN—I have no preference for any particular city, as I go around the country pretty much, having come all the way from San Francisco to attend this meeting, but I should be happy to have Milwaukee selected as a place to meet in at some future time, as it is a beautiful city. I believe the Associa-

tion has met at Detroit, Minneapolis, Montreal and other Northern cities, while there has never been a meeting south of Louisville. The invitation extended from the Southern States has been very cordial, and I think so large a section of the country as the Southern States—everything south of Philadelphia, almost—has greater claims upon you, considering the whole section, considering the large number of members in this Association from that section, than any one city; and I therefore suggest that we have the meeting at New Orleans this year, and favor Milwaukee the following year, having changed from the far South to the far North.

MR. MAIN—Has this Association received an official invitation from New Orleans?

MR. WALKER—The committee understands that in recommending a place from year to year the members are self-supporting, and they do not ask an invitation from the place where they go, but are at liberty to go to any city that the general body may see fit. While we are glad to receive invitations, we do not consider them absolutely necessary, and have received none in this case.

MR. FRISBIE—I move that we proceed to ballot.

THE PRESIDENT—The motion is the substitution of Savannah in the place of New Orleans, then the substitution of Milwaukee and then the substitution of Richmond. The chair understands the question now before you is on the last amendment to the original motion.

MR. FRISBIE—There have been so many substitutes offered that it would be difficult to take them up in a parliamentary manner, and I move that we proceed to ballot, and the place selected shall be sub-



stituted on the record for the original city named. Carried.

MR. KLINE—Who are entitled to vote on this question?

THE PRESIDENT—I understand that every member of the two Associations is entitled to vote, as the manufacturers meet with us usually, and we presume that would be their action, I should say they are entitled to vote on this question.

MR. FAXON—According to the By-Laws every active member and associate member is entitled to vote on the place of meeting.

MR. CARTER—I think those entitled to vote are the active and associate members of the National Wholesale Druggists Association only.

THE PRESIDENT—That is correct. The Chair is quite surprised to find Mr. Carter correct. The Chair will appoint as tellers Mr. Gilman, of Boston, and Mr. Walding, of Toledo.

MR. ROBINSON—In order to save time I would move that the city receiving the highest number of votes on the first ballot be decided upon as the place for the next meeting.

MR. WELLER—I think I am opposed to that plan; it seems to me the city having the lowest number should be dropped, and then we should take another ballot, if necessary.

MR. FRISBIE—Mr. Robinson's plan is all right if any city should receive a majority of all the votes cast, but under his plan a city might be in a decided minority and yet be selected.

MR. COFFIN—The cities having the highest number of votes should be voted over again.

MR. WILLIAMS—I think the city having the largest

number of votes should be put in the place of the city recommended by the committee.

MR. COFFIN—I move as an amendment to the motion of Mr. Robinson that the two cities receiving the largest number of votes on the first ballot be voted for again and the others dropped, provided there is not a majority on this first ballot in favor of any one city.

MR. FRISBIE—It strikes me that the proper thing for a body of gentlemen is to take the vote, and then discuss this thing afterward. I do not believe in crossing a bridge until you come to it.

The President then put the question on Mr. Coffin's motion, which was carried.

MR. KLINE—This ballot will take considerable time and I move that we proceed with the special order for 12 o'clock, pending the counting of the ballots.

THE PRESIDENT—I understand Mr. Weller has a few reports which would take only a short time to present. If there is no objection we will now hear from him.

MR. WELLER—In regard to the matter presented by Mr. Main, on behalf of the American Pharmaceutical Association, the Board of Control offers the following resolution:

*Resolved*, That this Association heartily indorses the effort being made by the American Pharmaceutical Association to secure better professional recognition for pharmacists in the United States army and navy, and that the legislative committee be instructed to actively aid the special committee of the American Pharmaceutical Association to secure the passage of the bills introduced into both branches of the national legislature for that purpose.

Mr. Peek moved the adoption of the foregoing, which was carried.

MR. WELLER—The Board of Control has carefully considered the report of the Committee on Transportation and presents the following:

The Committee on Transportation presents a report that is in keeping with various other reports which we have received from time to time, and we agree with the chairman of this committee in his statement that there is evidently a lack of interest in this important subject. The Board of Control, however, believes that this interest can be revived to an extent that will be beneficial to the members of this Association. We would therefore recommend that a committee of five (5) be appointed to serve as a Committee on Transportation and Classification (which can be made permanent should the Association so desire), one of whom shall be from the city of New York, one from St. Louis, one from Chicago, one from Kansas City, and one from Omaha. We designate these particular cities because we believe that the best interests of the Association can be served by having a member of the Transportation Committee located in each of these places. One of the important duties of this committee will be to send one or two representatives from the committee to attend the different rate and classification meetings of the Western and Eastern traffic associations.

MR. WELLER—At the meeting in Denver this matter was referred to by the Board of Control and reference was made to the article of Paris green which was shipped as first-class west of Chicago through the efforts of Missouri River jobbers it was changed to fourth-class. The Classification Committee did not seem to understand what to do with Paris green. They shipped chrome green, just as poisonous, as fourth-class, but would not ship Paris green as fourth-class. We also had London purple reduced to fourth-class, and also several other things. We move the adoption of this report.

Mr. ———: I am heartily in favor of the report, except as to the geographical limitations. I think it could be left to the discretions of the appointing power.

There may not be persons able and willing to serve on this committee in this section. It excludes the whole Pacific coast and the entire South, and I think geographical considerations always receive attention at the hands of the appointing power of this Association. I suggest to the chairman of the Board of Control that it might possibly be better to leave out these limitations.

MR. WELLER—We simply recommend that in the appointment of this committee one member be selected from each of the cities mentioned. If the president desires to select them from any other place, he can do it.

MR. FRISBIE—I would inquire from the chairman wherein the report will change the character of the committee from its present condition.

MR. WELLER—The only change is that it is now a Committee on Transportation and Classification. We want them to do some missionary work along that line with the railroad people. My object in bringing the matter up in this way was to get the Western classification changed on many articles on which we are paying excessive rates. I think some work can be done in Chicago, particularly on this matter. The Western association meets in Chicago, and the classification is made up there, and a committee which could meet in Chicago easily would have considerable influence over these people at their joint classification meeting.

The motion on the adoption of the report was put and carried.

THE PRESIDENT—The tellers are ready to report, gentlemen.

MR. GILMAN—Mr. President and Gentlemen: The tellers report the whole number of ballots cast to be

94, divided as follows: Richmond, 35; Milwaukee, 31; New Orleans, 19; Savannah, 9.

MR. MYERS—I move that another ballot be taken on Richmond and Milwaukee.

Carried.

The tellers then proceed to take the ballot.

MR. WELLER—We now have the paper presented by Mr. Fisbie yesterday and we move the adoption of the following resolution:

WHEREAS, Claims against the Government have accrued to about three thousand manufacturers, resident in all parts of the United States, to the amount of several million dollars, for rebate of the tax upon alcohol used in the arts and medicines, under Section 61 of the act of August 29, 1894; and

WHEREAS, The test case of R. Dunlap & Co., involving the validity of claims under Section 61 of the act of August 28, 1894, has now been for more than a year completely prepared by the claimant and awaiting action of the Attorney-General in the preparation of the defense; and

WHEREAS, Business conditions have existed of unusual severity during the past two years, requiring that every possible asset should be available to manufacturers and others engaged in business enterprises; and

WHEREAS, Until the decision of this test case, uncertainty must exist as to the availability of these claims as assets, and such uncertainty will continue until the decision of the test case. Now, therefore, be it

*Resolved*, By the National Wholesale Druggists Association, that the Legislative Committee be instructed to use all proper means to advance the hearing of the test case of R. Dunlap & Co. before the Court of Claims, and particularly to urge upon the Attorney-General the propriety and justice of an immediate preparation of this case for hearing.

MR. MAIN—I move the adoption of the resolution.  
Carried.

MR. WELLER—In connection with the report of the Committee on Adulterations, we offer the following:



Referring to the report of the Committee on Adulterations, the Board of Control desires to say that this Association has always been on record as being opposed to adulterations of drugs and medicines. The report covers a good deal of ground that has been gone over by former committees, and at the same time it presents many facts that we would do well to consider. We move the adoption of the report.

The question was put on the adoption of the report of the Board of Control, which was carried.

Mr. Weller then presented the following:

In calling attention to the report of the Committee on Infringement of Trade Marks, we beg to say that this Association cannot put itself on record too strongly in regard to this matter. It is the manifest duty of every wholesale druggist to stand by his friends, the proprietors, and endeavor to aid them in every possible way in bringing to grief irresponsible parties who are continually trespassing upon the lawful trade rights of proprietors. We move the adoption of the report.

MR. KELLY—One word with reference to the report on the infringement of trade-marks. It seems to me that probably the members of the Association do not fully understand their duty with reference to this matter. It strikes me that whenever any of the members of the Association have any evidence in their hands, or brought to their notice, of any invasion of the rights of the proprietors, that the proprietors should be immediately notified by the members.

The motion to adopt the report was put and carried.

THE PRESIDENT—The tellers will now announce the final result of the ballot.

MR. GILMAN—There have been 94 votes cast, divided as follows: Richmond, 53; Milwaukee, 41.

MR. MORRISON—Gentlemen of the convention, I move that the vote for Richmond be made unanimous. I wish to say before the motion is put that I have been told the reason that Milwaukee was not selected on this occasion was because I did not mention anything about the product of Gambrinus, for which the city is famous. I will do that the next time.

MR. WALKER—The committee desire to substitute in their report the name of the city of Richmond for that of New Orleans. (Applause.)

Mr. Morrison's motion was then put and carried.

MR. POWERS—I move that the time be not later than the 15th of October, the president to have the power to state later the exact time.

THE PRESIDENT—The chair is in some doubt. This body has decided through its committee when we are to meet the next time.

MR. WALKER—The committee would recommend not later than the tenth day of October for this meeting in Richmond.

MR. KLINE—I think it has been customary to leave the fixing of the date in the hands of the Committee on Entertainment, with the approval of the president. I move that the matter of fixing the date be left in the usual hands.

MR. PURCELL—The suggestion made by Mr. Kline is an exceedingly proper one, as there might be something which could be done if we were given latitude as to dates, which we might not be able to do if restricted to one date. I therefore second the motion that the latitude be given to the usual power in fixing the date.

THE PRESIDENT—That has been the custom of the Association for the very reason stated by Mr. Purcell, and it is best that the matter should be left in its present shape, and it will be so considered unless objection is made.

M. Weller then presented the following report of the Board of Control in connection with the report of the Proprietary Committee.

*Resolved.* That we pledge anew our support of the plan of restricted selling prices under contract, and urge the members of our Association and all other wholesale dealers to give the individual proprietors who adopt these terms on their several preparations their honest and loyal support and co-operation.

*Resolved,* That we reaffirm our conviction that the selling by manufacturers direct to retailers at largest quantity discount is a manifest injustice to a very large proportion of the retail distributors of these preparations, and that we bring our strongest influence to bear in favor of the universal adoption by all manufacturers who propose to continue selling under the rebate system of the custom of confining their sales to jobbers only.

*Resolved,* That it is the sense of the members of this Association that those manufacturers who do not see their way clear to enforcing the penalties named in the contracts for non-adherence to their prices, should announce to the trade that their goods are no longer restricted to anyone.

*Resolved,* That our Committee on Proprietary Goods continue its services to proprietors by obtaining and furnishing information, in so far as it is consistent with the decision recently rendered by Judge Russell of the Supreme Court of New York; and that in order to do this effectually means fully adequate to provide assistance to continue their work be placed at their disposal. We hereby authorize the treasurer to honor any bills for expenses, presented under this resolution, when properly indorsed by the chairman of this committee and the president of this Association.

*Resolved,* That so much of the action of this Association, at its meeting last year, as provided for the election of the members of this committee, outside of the chairman, be hereby abrogated, and that the chairman's associates on this committee be appointed in the usual manner, with the recommenda-

tion, however, that the president consult the members of the wholesale drug trade in the various sections from which these members are to be appointed; and that until the new committee has been thus perfected the members of the present committee shall serve under the chairman to be elected at this meeting.

MR. KLINE—I move that these matters be taken up *seriatim*.

THE PRESIDENT—Unless objection is made that will be considered the action of the Association.

The first resolution was read, and, on motion, was adopted.

The second resolution was read.

MR. CARTER—Is it necessary that this action be confined to those articles sold on the rebate plan? I think it just as necessary that the manufacturers not selling on the rebate plan should be included in this action concerning the discount to jobbers.

MR. KLINE—There is no use whatever in our passing a resolution of this character with reference to goods not sold under restrictions, as nothing could be accomplished if we did so in accordance with Mr. Carter's suggestion. These goods are free, and while the manufacturers of them may not sell in all cases direct to retailers, we all know that such articles can be had without any intermediate profit to speak of. The object of this resolution is fully explained. It is to protect the retailer in a uniformity of cost. There is, of course, something else in it, which we all recognize, namely, the protection of the wholesaler; but the fact is that the other is much more important. For articles that are sold under contract, the average retailer is obliged to pay a certain figure and the "average retailer" comprises about nine-tenths of the whole number. Now, if the manufacturer places some other retailer, who by his cutting proclivities obtains an

outlet sufficiently large to buy direct in largest quantity, in a position to get from 10 to 15 per cent. discount, it enables him to sell a single package at the price the druggist pays by the dozen, and at the same time make a fairly good profit.

MR. REDSECKER—I want to say, from a retail point of view, that I approve that action. In a neighboring city of ours there is a cutter who has a store in our town and one in Reading. His output is three times that of any other retail druggist. He goes to the manufacturer and gets the same discount as the wholesaler, and he can necessarily sell his goods at a low price when we, who buy from the jobbing trade, must pay an additional price. He is underselling us all the time and making money. This will make him pay the same price as the retailer for his goods, and when he sells them for the price at which we are obliged to buy them he will make no profit. He cannot live without some profit, and it will oblige him to put up the price and allow us to make a 10 per cent. profit.

The question on the second resolution was then put and carried.

The third and fourth resolutions of the committee were then read and carried without debate.

The fifth resolution was then read.

MR. KLINE—It may be proper to explain that resolution. Under the action last year in connection with the adoption of the Denver plan, since abandoned, the course of procedure was that the thirteen different local organizations meet and elect some one of their number to represent them on this committee. It involved some of the sections in considerable trouble and expense, and it occurred to the committee



that the result could be arrived at equally as well by the incoming president corresponding with the officers of organizations, where there are any, or with the representative houses in sections where there were no organizations, and about the same selection could be made without the expense and trouble incident to the former arrangement. It seems proper to the committee, however, in view of some of the facts brought out yesterday, that the chairman should be elected, and hence the resolution was written as presented.

The fifth resolution was then adopted.

On motion the report and resolutions were adopted as a whole.

MR. KLINE—When that report was written I had incorporated into it a paragraph which referred to a probable assessment to cover the legal expenses to which we were subjected. I struck that out because, on receipt of the treasurer's report, it appeared there was enough money in the treasury to cover that bill. Since that report was written, however, and these resolutions drawn up, we have been served with a notice of an additional suit, which has been commenced in this state. And I think it proper that we should provide for funds so as to remove all possibility of embarrassment to the chairman of the committee, and I will therefore introduce what I originally had in my report—a resolution to the effect that if it should become necessary to make an assessment upon the members to defray any legal expenses in defense of the actions of the committee, that that assessment shall be made pro rata upon those members only who are interested in the manufacture and sale of proprietary articles. I said in that part of

my report which I did not read, that I was not unmindful of the fact that the subject was brought up before at the New York meeting in about its present form, and voted down, and it was decided that the expenses of the Proprietary Committee, if that was the one which caused a deficiency, should be provided for, in addition to the regular dues by an assessment pro rata upon all the active members. What I predicted at that time would happen in that connection has occurred, and it has come to my notice in a considerable number of cases that a good many of our members who are not at all interested in this question are opposed to being subjected to an assessment for defraying expenses in the matter, which they think they should not be called upon to share with us. If we are to be subjected to these legal annoyances, which require money to defend, no matter how innocent we may be, it is just that the raising of that money, if it is necessary to raise any, should be confined to those members who are interested in the traffic—the articles causing the dispute.

MR. MYERS—I want to confirm what Mr. Kline has said; those who dance should pay the fiddler.

MR. CARTER—This question was brought up and talked over at the time the By-Laws were changed two years ago, and our conclusion was that the prominent manufacturers should be included in such assessments, but this resolution would exempt them.

MR. KLINE—Excuse me one moment. The gentlemen is not correct; my resolution embodies all manufacturers interested in the manufacture and sale of proprietary medicines.

MR. CARTER—It has been suggested that some of the manufacturers would not wish to pay the addi

tional assessment or annual dues which they would be called upon to pay by remaining as active members, that those who would remain as active members would be the old ones who had been with us for years, and most of whom are worthy concerns, and it was thought they would not object to paying their share of any additional expense, because these additional expenses are incurred by the Proprietary Committee. There are times when the expenses are incurred by other committees than the one on proprietary medicines. The Box and Cartage Committee this year was an expensive committee. The Legislative Committee is working hard for free alcohol, and whom would that do greater good for than the large manufacturers. If the Secretary or the Treasurer can inform us of the number who went out last year on account of the assessment, and to what class they belong, it may give us some idea if this resolution should pass. The fewer the number who pay the assessment, the larger the assessment will be. If there is to be only a small number to pay this assessment, would not the smaller jobbers be apt to go out of the Association on account of the additional expense?

MR. MAIN—I second the resolution of Mr. Kline and call for the question.

The question was put on the resolution offered by Mr. Kline, which was unanimously carried.

MR. FAXON—I move that we proceed to the election of a chairman of the Proprietary Committee, and I nominate for that position, and do it with a great deal of pleasure, our present very efficient chairman, Mr. Kline. (Applause.)

MR. MYERS—I rise to second the nomination.

MR. FRISBIE—I move that the election be made unanimous by a rising vote,

MR. KLINE—I am sorry there are no other candidates; I would like to see someone else nominated.

THE PRESIDENT—The chair will say that any other candidate will have fair play, but he will have a hard row to hoe.

The President then put the question to the house, and Mr. Kline was elected unanimously by a rising vote, the announcement being received with applause.

MR. PETER—I would like to offer my congratulations to Mr. Kline.

MR. SHOEMAKER—I would like to offer my congratulations to the Association.

THE PRESIDENT—We have not heard from Mr. Kline at this meeting, and we should be glad to do so at this time.

MR. KLINE—I can only repeat what I said yesterday, and add some things not stated yesterday. It is, of course, a matter of great gratification to me to have the continued confidence, expressed in this manner, of the members of this Association; but it is a matter of much greater gratification to me to feel at this time that the vote just taken is not so much because of anything that I have done personally, as I believe it is one which represents in a sense it never did before the united determination on the part of this organization that the work shall be continued, in so far as the courts will permit us, on the lines followed out during the last nine years; in fact, during the time the plan has been in operation. Therefore, it is a matter of congratulation for this Association to feel that, while it is immaterial as to who is at the head of the Proprietary Committee, the policy which

has been pursued has received unanimous indorsement at this meeting this morning. I can only hope that the members who are outside, or half way outside, will come down on the right side of the fence within the next thirty days, so that we may convince our friend, the enemy, that the effort which he is making—and of which he has confidence of success—of scattering our forces is in vain. (Applause.)

MR. FAXON—Mr. President, I beg to present the report of the Committee on the President's Address:

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#### REPORT OF COMMITTEE ON PRESIDENT'S ADDRESS.

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Your committee would express its appreciation of the masterly address of our President. It is eloquent in spirit and diction, and is a valuable contribution to the literature of the Association. The recommendations regarding proprietary articles, box and cartage, and free alcohol, have been thoroughly considered by the several committees on these important subjects. The committee believes with the president that, while it would not be wise to disturb the established rates of discount on the long list of staple and active selling proprietary articles, it would urge that new proprietaries, when placed upon the market, should afford the distributor a margin of not less than 10 and 5 per cent. on one-dollar-and-fifty-cent preparations, and 15 per cent. on those items that retail for twenty-five cents and less. On proprietary articles that are slow on account of limited advertising, a discount of 10 per cent. is not considered adequate. The committee believes that the rebate list should be restricted, and that a number of articles which are of uniformly slow sale should be removed.

The last published report of our annual proceedings is a great improvement over any previous issue, and is in all its details a most satisfactory publication. It is a volume that reflects credit upon the president and the efficient secretary of the Association.

Respectfully submitted,

F. A. FAXON, Chairman.

WILLIAM A. ROBINSON.

WILLIAM J. WALKER.



THE PRESIDENT—We will be glad to have Mr. Weller continue with the reports of the Board of Control.

MR. WELLER—The members heard with much interest the report of the Committee on Box and Cartage. As the chairman has made no recommendations, we simply move the adoption of the report.

On motion, the report was adopted.

MR. WELLER—With reference to the report on Paris green, the board offers the following:

The Paris Green Committee, although laboring under great difficulties, accomplished more last year than could reasonably have been expected of it, and the result of its labors has been most gratifying to all the members of the Association interested in this article. We heartily approve of the report and the resolution appended thereto, which reads as follows:

*Resolved*, That the incoming Committee on Paris Green endeavor to bring about an agreement with the manufacturers by which Paris green, in 1897, will be sold upon the rebate plan, with about the same schedule of rebates as was adopted in 1895; and that, if this is found to be impossible, the adoption of selling prices be left entirely to the various local exchanges, without an attempt by this Association to establish any regulations whatever.

MR. FRISBIE—I have always been opposed to Paris green being placed on the rebate list. It is an article which, if a man has money, pluck and a plant, he can put upon the market anywhere. An article which can be placed on the market and not controlled should not go on the list. Every time a violation is made it hurts us seriously. No article can do it more than Paris green. We have an opportunity to make a profit or loss by the rise or fall of that commodity, and we should not place it upon the list. If

local Associations can control the price, it should end there. I recommend that the first portion of the resolution, referring to placing it on the rebate list, be withdrawn.

MR. SCHNEIDER—I think Mr. Frisbie is entirely wrong as regards Paris green. If we are going to stand by the rebate system, we must stand by it in its entirety. The way Paris green has been sold the last three years, when it has not been on the rebate list, we might as well give it up entirely. We had better rally around the rebate system and try to make some money on that commodity. If you sell Paris green as you please, we will not make anything. Paris green ought to be sold under the rebate system. That is the situation as it stands to-day.

MR. FRISBIE—I think the gentleman's argument is entirely wrong. It would be just as sensible to put Epsom salts and sulphur on the rebate as Paris green. I regret that with an article so dangerous as Paris green, an article confined to a few days' sale, we cannot get a reasonable profit. It all comes from the consummate foolishness of business people. My protest against this thing is based on the fact that the prices are not maintained. We cannot do it. Paris green goes outside of us; it is sold by grocers, hardware dealers and others; and if we cannot control it it hurts the rebate plan to have it on the list.

MR. SCHNEIDER—When Paris green was sold on the rebate system every dealer made money, and before that not a dealer made a single dollar. Last year Paris green was not sold under the system, and there was no money made. Mr. Walker can give us a few points on Paris green. If we are going to stand

by the rebate system, the only way we can make money selling Paris green is under that system.

THE PRESIDENT—The chair has been active on the Paris green Committee for a number of years. It is an important article in our section of the country, and we are deeply interested in it. He feels that he understands the Paris green question perhaps as well as any member present, and he knows exactly what he is talking about when he says that it will be impossible at the present time to put Paris green upon the rebate. The resolution is all right and can safely be adopted, whether it might affect the rebate plan or not, because it will be impossible for this Association to go any further than to indorse the sentiment.

MR. KLINE—I have not changed my feelings concerning the treatment this organization received at the hands of the Paris green manufacturers the last time we did have it rebated. I regarded it then, and do still, as simply an outrage upon the trade of this country. We were inveigled to enter an arrangement by which we agreed to sell the product of their factories only, and when our orders were pledged the price was put up to double what it had been. We cannot afford again to be a party to any such arrangement. I shall never enter into any such arrangement to rebate an article of that kind.

MR. WELLER—In order to cut off this discussion, the Board of Control will change the resolution so that it will read as follows:

*Resolved*, That the adoption of a selling price be left entirely to the various local exchanges, without any attempt on the part of this Association to establish regulations. (Applause.)

The amendment was adopted.

Mr. Weller then presented the following in connec-

tion with the report on Credits and Collections:

The Board of Control calls special attention to the report of the Committee on Credits and Collections, every word of which we endorse. It is clear and concise, without being long, and is easily understood. We move the adoption of the report, and we recommend the resolution presented by the committee to the incoming administration.

We would also recommend to the incoming Committee on Credits and Collections that an effort should be made to secure more uniformity in terms of sale and cash discounts allowed.

On motion the report of the Board of Control was adopted.

Mr. Weller then presented the following report of the Board of Control on the report of the Committee on Paints, Oils and Glass:

The Board of Control takes pleasure in presenting the report of the Committee on Paints, Oils and Glass, and we recommend it to your consideration. We heartily indorse the suggestion made that it is unfortunate that the jobber seems to be compelled to handle many articles in the paint and oil line without a legitimate profit, and the cause is clearly set forth by the committee. The average dealer seems to lose sight of the fact that prices on linseed oil and other articles in this line have declined to such an extent that although the percentage of profit remains the same, the net profits are reduced at least one-half, while the expense of handling remains the same. We move the adoption of the report.

On motion the resolution was adopted.

THE PRESIDENT—The chair felt obliged to interrupt Mr. Dalley yesterday, when he desired to

give us that interesting report which we are so anxious to hear. The chair would now like to ask if Mr. Dalley will give us a few moments of his time.

MR. DALLEY—It has been suggested, as many members would like to say something on the subject, to defer the matter until the afternoon session. I will defer the matter until then, if you please.

THE PRESIDENT—Has the Board of Control anything further to present?

MR. WELLER—The Board of Control has carefully considered the communications presented to the chairman of the Proprietary Committee from the Weeks & Potter Co. of Boston, and would offer the following resolution:

*Resolved*, That the time of a salesman in the employ of any firm is the property of his employer, and that no manufacturer has any right to approach said salesman with offers of prizes, or promises of remuneration of any kind, without first consulting the firm the salesman represents.

MR. FRISBIE—I heartily approve of this resolution as far as it goes, but I would like to see that again referred to the Board of Control, and they put in resolutions stronger than that on this subject. It is of very great importance, and if the members would only stop to consider the amount of time which is wasted by people outside of our business, telling us how to run our business, and we permit them to do it, we would make it stronger. I regret it is not stronger, and I suggest that it be recommitted, and we put in a stronger resolution, and pass it.

MR. KLINE—I hardly see how it can be made stronger, and I trust the suggestion that it be recommitted will not prevail. The resolution covers all that we can do. If any individual houses wish to



permit their salesmen to receive these offers we cannot possibly prevent it. I think the resolution read covers the whole point. I do not see how we can make it any stronger, unless we swear about it. (Laughter.)

MR. WELLER—It is as strong as we could make it. We might make it a little longer, but it would not make it any stronger.

THE PRESIDENT—We might pass this resolution and let Mr. Frisbie swear about it. (Laughter.)

The President then put the question on the adoption of the resolution, which was carried.

Mr. Weller presented the report of the Board of Control on the report of the Committee on Credits and Collections.

MR. WELLER—The Board of Control has finished its labors. The chairman would have had more time to visit the points of interest in the city if the chairmen of the committees had done as they were requested to do. It seems to me it is an easy matter for the chairmen of these committees to make their reports in duplicate, and send a copy to the chairman of the Board of Control at least two weeks in advance of the meeting, in order that when we may call this committee together they may pass on the work he has done, and make any changes that may be necessary, in a few moments. It is therefore hoped that the chairmen of the incoming committees will see that a copy of their report is in the hands of the chairman of the Board of Control at least two weeks in advance of the meeting. I thank you for the attention which you have given me.

MR. SCHNEIDER—I move you that the thanks of this Association be tendered to Mr. Weller for the

able manner is which he has discharged his duties.

The motion was carried by a rising vote.

MR. MYERS—In order to carry out the suggestion of the chairman of the Board of Control, I offer the following resolution:

*Resolved*, That the secretary of this Association be instructed to notify the chairman of the various committees to send copies of their report to the chairman of the Board of Control thirty days before the annual meeting.

Carried.

MR. KLINE—I move that we adjourn, to meet, in accordance with the programme, at 2 o'clock.

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## SEVENTH SESSION.

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*Thursday Afternoon, October 8.*

The Association was called to order by the President at 2:54 o'clock.

THE PRESIDENT—Gentlemen, we will come to order, if you please. The Auditing Committee, on the accounts of the Treasurer, will be E. C. Frisbie, N. A. Lloyd and William O. Blanding.

The Chair would say the Treasurer's papers and vouchers are all here, and the committee can have them at any moment.

THE PRESIDENT—Is there any further business to come before us at this meeting? If there is nothing to come before us at this time, the motion to adjourn will be in order.

MR. DOLIBER—Would that be a final adjournment?

THE PRESIDENT—No; we adjourn now, to meet at 6 o'clock for the installation of officers, and a full attendance is particularly desired at that time.

MR. WELLER—It seems to me, Mr. Chairman, there are some matters to come up this afternoon. Mr. Dalley, I understand is to present something for our consideration.

THE CHAIRMAN—Mr. Dalley is not here.

A MEMBER—Mr. Dalley is here.

THE CHAIRMAN—I beg your pardon, Mr. Dalley; I did not see you.

MR. DALLEY—I think that this a matter of so much importance that it ought to come before the Association when a larger number of members are present; but if it is your wish that I should present it, I will do so.

THE PRESIDENT—I suggest you do so, as we are not sure of any larger meeting.

MR. DALLEY—My hope was that this could have been offered at an earlier period of our deliberation. Circumstances seemed to make it almost impossible this morning to take it up, and I now regret that I did not take action when opportunity presented to offer this resolution. I will now read it.

WHEREAS, This Association, by resolutions recommended by its Legislative Committee and Board of Control, has reaffirmed its position in favor of alcohol free to the arts and manufacturers; and

WHEREAS, It has declared its preference for a rebate of the tax on alcohol, rather than for free spirits, therefore be it

*Resolved*, That the Association hereby declares in favor of a rebate of a part of the tax only, the remaining part to constitute a permanent appropriation in the treasury of the United States, with which to defray the expenses of operating such a law; and

*Resolved*, That the Committee on Legislation be hereby instructed to use all legitimate means to accomplish the purposes

herein set forth; and that the members of the Association be requested to co-operate to the fullest extent.

Mr. President: There may seem to be tautology in this resolution, but I think you will, upon hearing what I can say briefly to you, conclude that there is not. It is true that we have declared in favor of free alcohol. For twenty years—in fact, for twenty-five years—we have been declaring in favor of free alcohol. At this time we have, through circumstances about which it is unnecessary to go into detail at the moment, reached a point that we have never reached before. We are, you may say, on the threshold of favorable legislation. During the period of the last session of Congress, after a great deal of debate and a great deal of discussion and much anxiety, through a compromise effected by certain members of your Association, a committee (called a Joint Select Committee) of both houses was appointed, to investigate everything relating to free alcohol here and elsewhere, and to report their conclusions at the first meeting of Congress in December. This, it seems to me, was a distinct advance over anything that we had before accomplished. If Congress has not conceded that they would pass a law, they have at least gone further than they have ever gone before, in appointing a committee to look into the operations of a possible free alcohol law; and the committee, as constituted, is, to a considerable extent, favorable to such a resolution. As a result of the operation of this committee, I was invited by the committee to proceed to Europe to examine the laws of foreign countries as to the operation of the laws in reference to free alcohol in those countries; and I spent during last summer two months—much less time than I

ought to have spent, still as much time as I was able properly considering my own interests—and I returned with many facts in reference to the operation of the laws of foreign countries which I shall embody in a report to the Congressional committee within a period of, perhaps, ten days or two weeks. These facts, it seems to me, are such that it is quite possible for us to operate a law and to refute the objections which have been set forth by members of Congress and others as to the possibility of our having free alcohol in this country. I use the words "free alcohol" as a term, not really meaning it exactly in that way. Now, it seems to me, that having reached this point it is a very important matter that we should not lose any of the advantages that we have gained; and, therefore, having reached this point, it seems to me that it is wise, and I know the constitution of this committee and also the temper of many of the members of Congress, that this Association, dealing largely, as it does, with alcohol, should set an example of moderation. There are those among us who would claim, I presume, that we ought to have the entire tax refunded to us, or that alcohol should be made absolutely free. I am not one of that number, chiefly because one of the great objections that would be advanced against the free alcohol law will be that, not only will the revenues be depleted and reduced, but that the expense of operating this law, which will be claimed to be very expensive and onerous, will be saddled on the Government. Now, my proposition will be—although I do not embody it in this resolution—that 90 per cent. of the tax should be returned, and that 10 per cent. should be retained as a permanent fund



in the Treasury of the United States for the operation of this law. This has a double advantage. In the first place, it shows members of Congress and others that we are not seeking the return of the entire tax; and, more than that, it removes the objection heretofore stated, that the cost of the execution of this law will be borne by the Government. We will bear it ourselves. The result will be that we shall have a more favorable consideration of our interests than we have ever had before, and having reached the point we have now reached, it seems to me wise that this Association should emphasize its position, which is now made with a view of showing our moderation, and thus, perhaps, winning more votes in our favor when the time comes for action. I may say, too, I do not believe any legislation of this kind during this session should be had. For my part, I would rather see it deferred until the new incoming administration has had time to get together, when they can give the matter better consideration, at the same time, than we should now have in view of the rather inimical attitude which is now maintained in the Internal Revenue Department. I therefore offer this resolution, and trust that the matter may receive favorable consideration.

MR. FRISBIE—I desire to state that these resolutions have received a great deal of consideration. Probably no member of our Association is so well posted on this subject, or has given it so much attention, or is so able to get at the ear of Congress, as Mr. Dalley. He evidently has gathered from his journey abroad information which is very valuable; in fact, I have a hint from Senator Platt that his work has been invaluable. It is beyond anything

that we can really conceive of at present. I am very sorry indeed that this resolution was not presented earlier, and that there is not a larger attendance, so that we could give that consideration that the subject merits. In view of this fact, I move that the resolutions be referred to the incoming Board of Control.

MR. WELLER—Mr. Chairman, we have listened undoubtedly with a great deal of pleasure to the remarks of Mr. Dalley, and I think that they are appreciated by every member present. I state also that it is to be regretted that no more members are present here. I think that the matter had better be referred to the incoming members of the Committee on Legislation, and by them to the Board of Control afterward.

MR. FRISBIE—I accept the amendment.

MR. DALLEY—I have no objection to that reference, provided we secure action that we want. I am afraid, however, if it is referred in that way, it will not be possible either for me or others who may have connection with the legislative body to say that this Association is in favor of this resolution, and that we are unanimous on the subject. It seems to me that is a factor that should not be lost sight of, and that will be a potent factor, in my opinion, in determining the question when it comes to a vote. I may say I have conferred with the chairman of the Legislative Committee, and he heartily favors this resolution. I have also conferred with several others—Mr. Kelly and Mr. Kline and Mr. James E. Davis, and as many as I could last evening, when my voice was in bad condition, and I felt unable to talk as much as I would like to. They all agreed that it

would be a desirable thing to do. I spoke to Mr. Main, and they all intended to speak on the question this morning if the resolution were presented. Therefore, it seems to me, if action could be taken on it now it will not be regarded by the Legislative Committee as interfering with their prerogative in any way, and will be accepted by them in an entirely friendly spirit.

MR. WELLER—I ask that the resolution be read again.

The secretary then read the resolution again.

MR. WELLER—Mr. President, I cannot see that anything in that resolution would interfere with what has been done. I would therefore move the adoption of the resolution, and make it a part of the report of the Board of Control.

THE PRESIDENT—Gentlemen, this action seems wise to me, and I am heartily in favor of the resolution as read. Are there any other remarks? Are you ready for the question?

Question was then called for.

The question being on the adoption of the resolution as a part of the report of the Board of Control, it was agreed to and they were adopted.

THE PRESIDENT—Is there anything further to come before us at this time?

MR. WELLER—I would move that the application for membership of the H. K. Mulford Company of Philadelphia and the Cumberland Glass Company of Brighton, N. J., be favorably considered.

On motion, the rules were suspended and the ballot was cast by the secretary, and the Cumberland Glass Company of Brighton, N. J., and the H. K. Mulford Company of Philadelphia were declared

elected to associate membership in this Association.

MR. WELLER—I now move that we adjourn.

THE PRESIDENT—Before putting that motion to adjourn, I would like to say to the gentlemen whom I have named as the Auditing Committee—Mr. Frisbie, Mr. Lloyd and Mr. Blanding—that the papers necessary for them to see are at the secretary's desk. The motion has now been made that we adjourn until 6 o'clock, when the regular order of business will be the installation of new officers. The chair particularly desires that all should be present at that time; it is also desired that they appear in full dress. We now stand adjourned until 6 o'clock p. m.

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## EIGHTH SESSION.

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### Installation of Officers.

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*Thursday Evening, October 8th.*

The Association was called to order by the president at 6 p. m.

THE PRESIDENT—The chair would like to ask if there is any business to come up before the regular business of the evening is taken up. There appears to be none, and the chair will appoint Mr. Kelly of Pittsburg and Mr. Robinson of Louisville to escort the newly elected officers to the chair.

MR. KELLY—Mr. President, I have the honor to present to you the president-elect, Mr. Purell of

Virginia, that mother of presidents, states and statesmen.

PRESIDENT ELIEL—Mr. President, I assure you that it is a great pleasure to greet you and to congratulate you as our future president. To be selected by such an Association as this as its standard bearer is an honor not to be lightly bestowed or lightly received, because it carries with it great responsibility. In selecting you, sir, as its standard bearer for the ensuing year our Association has honored not only you, but it has honored itself. I congratulate you, sir, that this honor has come to you as it has, unexpected and unsolicited, and I congratulate you also that we shall greet you a year hence in your own beautiful home, that dear Southern land which you so love; that land where the sun e'er shines. where the birds e'er sing and the flowers e'er bloom. And now, gentlemen of the Association, laying aside as I do the brief mantle of authority conferred upon me a year ago in the city of Denver, I desire to renew the hope which I indulged at that time, that when this moment arrived, I might lay down the gavel still with your consideration, still with your good will and respect. (Applause.)

President-elect Purcell replied as follows: Mr. President, Ladies and Gentlemen of the N. W. D. A.: Profoundly sensible of the distinguished honor which your partiality has bestowed upon me, and deeply impressed with the obligations and responsibilities of the position, I accept the office to which you have elected me. I recognize that I owe it to no personal desert of my own, but to that spirit of Catholicity which emphasizes the men of affairs who compose this Association, whose ideas are not narrowed



into parallel lines, but radiating embrace the broadest and most liberal views, knowing no North, no South, no East, no West, except for the common welfare. I receive the honors conferred on me as a tribute to my section, which, though gray in service to our country, is comparatively young in the harness of commerce, but whose ever multiplying wheels of factories, constantly increasing spindles and looms, point to the South as the coming habitat of the manufacturing industries of this country. It is to this section that this Association looks for future support, and I salute you in her name and welcome you to her borders at our next annual meeting. (Applause.)

MR. KELLY—I have to present to you Mr. John A. Gilman, of Boston, first vice-president-elect of the Association for the ensuing year.

MR. PURCELL (President)—Mr. Gilman, I congratulate you, sir, and the Association in the happy choice it has made in its selection for first vice-president. We stand here sir, to-day, sons of those old commonwealths that first linked together the glory of the Union and made American citizenship a pride to everyone. (Applause.) May our united efforts in behalf of this Association rebound to the credit of the Association as the work of Virginians and Massachusetts' people has done to a common country.

MR. GILMAN—Mr. President and Ladies and Gentlemen: I thank you, gentlemen, for the honor conferred upon me in electing me to the position of the first vice-president of the N. W. D. A. To me it is a happy coincidence that in this city where, in the early history of the country, the States of Virginia and Massachusetts were honored by the selection of their

sons to the highest official position of this country, that of president and vice-president, to-day the choice of this national Association for its two first offices should be from these sister states, both of whom have exerted so large an influence throughout the country.

The task imposed upon these first officials of the land was of great magnitude, but the men were equal to the occasion. History and our own experience convince us of the wisdom of the choice then made. They had before them, as we had to-day, a silver question, but in an entirely different form. Not what to do with silver, but how to get it and honestly pay the great indebtedness of the country was their problem.

It was in this city where we meet, as the child in its composition wrote, that the first "conscientious Congress" assembled to discuss the weighty matters before them. Great as were the leaders, the result could not have been accomplished but for the sturdy patriotism of the common people, who by their every effort stayed up their hands and labored earnestly for the prosperity of the country; so it will be with the officers you have chosen. You have selected for president a man to whom you may look as leader, but remember he is only a leader. He may plan wisely and well, but without the earnest co-operation of every member of the Association the highest results cannot be obtained. The work of the members of this Association cannot end with the simple attendance of these meetings. Work should be done after returning to our homes. Resolutions here passed should be applied, in order that the work of the Association this year should be brought to the highest standpoint. We can hardly expect to make it perfect,

as perfection is seldom reached. There is story told of one lecturing on perfection, asking the audience if they had ever seen anything absolutely perfect. No response. He again asked if any one in the audience knew of a perfect man, with no response. He again asked if any one knew or had heard of a perfect woman, when a rather demure-looking woman in the audience rose and said that she had, and being asked who it was she at once replied: "It was my husband's first wife." As officers we have before us the high standard to which our predecessors have brought this Association, and though you may not remind us of our virtues and our failures it shall ever be our aim to raise if possible its standard of influence and usefulness. I thank you for the honor conferred in electing me to this position. (Applause.)

MR. KELLY—Mr. President, I have the honor to present to you Mr. N. Ashley Lloyd of Cincinnati as second vice-president-elect for the ensuing year.

THE PRESIDENT—Ladies and Gentlemen: I have the pleasure of introducing to you the second vice-president-elect, Mr. N. Ashley Lloyd of Cincinnati, another daughter of Virginia. (Applause.)

MR. N. ASHLEY LLOYD—Mr. President and Ladies and Gentlemen: As a representative of the modest men, such as Ohio is expected to send, I thank you for the honor conferred upon me, and nothing else is expected from me.

MR. KELLY—Mr. President, we find that Mr. Geo. K. Hopkins of St. Louis, third vice-president, and the fourth vice-president, Mr. William P. Reddington of San Francisco, and the fifth vice-president, H. W. Evans of Kansas City, are not present, and Mr.

Robinson has kindly agreed to speak for these gentlemen. (Applause.)

MR. ROBINSON—Mr. President, I am seriously surprised. My friend, Mr. Kelly, I understood, had agreed to do this part of the work—that is, the talking. We started out with that agreement. All I can say now is that as one of these gentlemen lives at San Francisco and the other at Kansas City and the other in St. Louis, that I have not been able to communicate with them in time to have them here, we think they will appear at Richmond. (Applause.)

MR. KELLY—I have the honor to present to you Mr. Merriam, secretary-elect of our Association. He has been in this position for quite a number of years, and has proved very satisfactory. (Laughter.)

THE PRESIDENT—Ladies and Gentlemen: I have the honor to perform a very perfunctory duty in introducing to you Mr. Merriam of Minneapolis, for the twenty-third time elected secretary of this Association.

MR. MERRIAM—Ladies and Gentlemen: I was saying a few moments ago to a friend on the platform that if there was one thing more than another that I envy in a public speaker it is the ability to deliver an eloquent and soul-inspiring speech. (I make no reference now to any significant event in modern political history), and I would have the inspiration so pronounced, that every delinquent member of the Association present, would be tumbling over himself to reach the treasurer's table to pay his annual dues. This I would consider a *practical* result of eloquence. It may be well known to many of you that the brilliant orator from Kansas, in anticipation of these annual meetings, gives much time to the preparation of

those speeches which always thrill and delight you. "When nights' curtains are let down," he seeks the solitude of nature, and the banks of the poetical stream which bounds his home in the theatre of his oratorical recitations. Even nature yields to the inspiration of the hour, and the very waves of that turbulent stream have been known to dally, and hold back, and play tip-toe to the music of his voice.

The two distinguished ex-presidents of the Association from the great State of Minnesota, in their discussions on the floor of the convention, have at times reached such heights of eloquence that they have entirely forgotten to mention the cities of St. Paul and Minneapolis, and to ignore for the time, the census returns of those two cities.

But, Mr. President, I think I read on the faces of the ladies, who, by their presence grace this occasion, the anxious query, What has all this to do with the installation of officers? Sir, I desire just now to take the ladies into my confidence and assure them that it has a great deal to do with it. This is an eventful year in political affairs, and you have all doubtless read in the newspapers of "combines" and "combinations" of candidates for office, from president to constable. And I now say to you that I, too, have been obliged to "join a combine" in order to secure my own election, and I say it with very great embarrassment that I have not only been compelled to mortgage all my salary for the coming year, but have also pledged my dear wife's life insurance. It is possible, therefore, that an exigency may arise in my financial affairs when I am compelled to make a personal appeal to you, ladies, for assistance in the near future, and the illustrations of eloquence



which I have given you may prompt me at that time to make such selections of sentiment as shall be most effective and pathetic. Personally, I take some satisfaction in the result of the contest recently closed, for I have beaten the phantom "other fellow" entirely out of sight. So, when the hat is passed around, just do the thing that's right. I thank you. (Applause).

MR. ROBINSON—Mr. President, your committee would report that Mr. Strong, the treasurer-elect, was called home this afternoon, and therefore is unable to be here this evening. The committee desire to say to the ladies, especially to some of the newly elected members, that Mr. Strong is the son of Mr. Samuel M. Strong, who was for so many years our efficient treasurer. The son succeeds his honored father.

MR. KELLY—I have the honor of presenting to you Mr. C. F. Weller, chairman of the Board of Control. For the benefit of the ladies, I will say here that the chairman of the Board of Control is the man who does all the talking for the Association. He occupies nine-tenths of the time of the convention talking to us, and because he came from the State of Nebraska, where the brave silver-tongued orators come from, he has been thought to be peculiarly fitted to that position.

MR. WELLER—Mr. President, Ladies and Gentlemen: It is not my intention to inflict a speech upon you to-night, for although I do come from the great State of Nebraska, that has furnished a candidate for the Presidency this year, a man for whom I have a very high personal regard and against whose personal character nothing can be said, we esteem him

very highly as a friend and neighbor and have decided to keep him with us. We have no desire to send him to Washington. I thank you for your courteous treatment and think I have said enough at this time and will give way for the other members of the Board of Control who are to follow me. (Applause.)

MR. KELLY—Mr. Walker, one of the members of the Board of Control, from New York State.

THE PRESIDENT—Ladies and gentlemen, permit me to introduce to you a member of the Board of Control for the ensuing year, Mr. William J. Walker, of Albany, N. Y.

Mr. Walker said: Mr. President, Ladies and Gentlemen—I have been trying to think why I have been selected as a member of the Board of Control. Last year I was appointed a member of the Committee on Time and Place of Meeting, and brought in a report, and the Association sat down upon it. At that time I was a member of the committee, and at this time your president, probably remembering the experience of the past, made me the chairman of the committee, and I again brought in a report, and it was turned down with great unanimity by the gentlemen present. I can only account for my being made a member of the Board of Control from the fact that they want to give a troublesome person something to do to keep him out of mischief. (Applause.)

MR. KELLY—Mr. W. J. Walding of Toledo needs no introduction.

THE PRESIDENT—I also say that Mr. Walding needs no introduction.

MR. WALDING—Ladies and Gentlemen: I appreciate being put on the Board of Control as a member,

but, as Mr. Eliel has just suggested, the time is very short and I will refrain from delivering the long speech which I had prepared for you, and thank you for your attention. (Applause.)

MR. ROBINSON—Mr. Kelly requests me to speak for the committee, and to say that the gentleman from Georgia was just now here, but, with his usual modesty, he has retired, so that we are not able to present him; another member of the Board of Control, Mr. James R. Owen, of Chicago, is not present at this meeting. That completes the list of officers, sir.

THE PRESIDENT—The Chair takes occasion to thank the committee for the very agreeable and distinguished way in which they have performed their duty. Is there any other business to come before the Association?

MR. ROBINSON—I have a very pleasing duty I would like to discharge if you will allow me. I move you that the thanks of this Association are due, and are hereby tendered, to the retiring officers of the Association for the fidelity with which they have discharged the duties imposed upon them.

MR. MAIN—Rising vote.

THE PRESIDENT—Gentlemen: I am sure that the resolution will meet with the approval of every member here. It has been moved and seconded that the thanks of the Association be tendered to the retiring officers. The question being on the motion it was agreed to by a rising vote.

THE PRESIDENT—I can assure the ladies that we shall expect them to vote. If there is no further business, a motion to adjourn will be in order.

MR. ROBINSON—I have another resolution I should like to offer. It is this:

*Resolved*, That the Association desires to express its appreciation of the hospitality of the good people of Philadelphia, both in reference to the convention and for all your graceful courtesies which we have received during our stay in your city.

This motion was seconded and agreed to.

On motion the convention adjourned until Saturday, subject to the call of the president.

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### THE BANQUET.

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From a gastronomic standpoint, no less than for the oratorical efforts which it brought forth, the banquet was a complete success, reflecting credit alike upon the committee that arranged it, the cuisine which furnished the material portions of the feast, the toastmaster who gave direction to the feast of reason, and the speakers who contributed thereto. It was about 8 o'clock when the Rev. Dr. Bodine voiced the grateful sentiments of the three hundred and fifty or more whose appetites were about to be appeased.

Invocation—We thank Thee, O God, our Heavenly Father, for health of body, and for health of mind, and for all that man can do to lead others to come to Thee! We thank Thee for social charity, and for the blessing of Thy loving providence. We pray Thee for Thy blessing. Oh, wilt Thou bless us and our country and our countrymen; oh, help us and bless us in all we do in eating or drinking; and what-

ever we do may we do it all to Thy glory, through Jesus Christ, our Lord! Amen.

The banquet was served in the large hall, on the tenth floor, which was specially designed for occasions of this sort, and is admirably adapted, by its size, location and acoustic properties for these purposes. In the decorations, which were elaborate, autumn leaves constituted a very effective and conspicuous feature. There were eleven tables, the head table extending almost the entire length of the room, and at a right angle to the ten other tables, which paralleled one another across the hall.

While Mr. Wanamaker was speaking, the ladies, who had been at the theatres, entered the hall to the number of a hundred or more, and most of them remained until the final applause which accompanied the closing speech had died away, at considerably passed midnight. The covers of the menu were handsome specimens of engraving, the front bearing the inscription, in embossed lettering:

TWENTY-SECOND ANNUAL BANQUET

NATIONAL WHOLESALE

DRUGGISTS ASSOCIATION,

HOTEL WALTON,

PHILADELPHIA,

Oct. 8, 1896.

This inscription was wreathed in a cloud of smoke arising from a calumet in the lower right hand corner, while in the upper left hand corner were the municipal flag and arms. The back cover bore only the arms of the United States, embossed in gold and the national colors. The menu was not characterized by



Quakers simplicity in regard to either the solids or fluids which it foretold, but had an epicurean savor which was maintained in the viands themselves as they materialized.

The toasts, of which there were nine, were arranged on the program in the following order, which, however, was departed from somewhat by the toastmaster, for reasons which he explained in his very clever introduction of the several speakers:

TOASTS.

1. "The President of the United States."  
HON. JAMES M. BECK.
2. "The National Wholesale Druggists' Association."  
PRESIDENT J. B. PURCELL.  
EX-PRESIDENT J. C. ELIEL.
3. "The Press."  
HON. CHAS. EMORY SMITH.
4. "Our Manufacturing Interests."  
JOHN H. CONVERSE, ESQ.
5. "The Philadelphia Lawyer."  
DAVID W. SELLERS, ESQ.
6. "The University of Pennsylvania."  
DR. WILLIAM PEPPER.
7. "Beyond the Mississippi."  
FRANK A. FAXON, ESQ.
8. "Our Commercial Interests."  
HON. JOHN WANAMAKER.
9. "Our College of Pharmacy."  
PROF. JOSEPH P. REMINGTON.

We give herewith the verbatim reports of the speeches, as well as of the introductory remarks of the toastmaster, Mr. M. N. Kline:

THE TOASTMASTER—Gentlemen, I hope you will take into consideration the fact that the man who has been selected to act as toastmaster has a bad cold, and unless you are perfectly quiet he cannot

make himself heard. I want to read, now that the first part of our troubles are over, a telegram which I have received, the meaning of which I do not really understand. It is dated St. Denis Hotel, New York, Oct. 8, 1896:

"National Wholesale Druggist Association, Hotel Walton, Philadelphia.

"Paint, Oil and Varnish send greeting to pills and powder.

"We hope in 1897 we will have something beside soup and chowder.

(Signed)

"New York Oil, Paint and Varnish Club."

I think that it is in order that this communication be referred to the Committee on Adulteration. (Applause and laughter.)

It has been the custom heretofore for this organization to select for its toastmaster a gentleman who could make a speech, or, at least, if they did not themselves make all the speeches, they set the pitch. I do not know of a more notable example of that than the occasion of our meeting in Montreal, when the toastmaster, so far as I can recollect, absorbed about all the time that was allotted to the other speakers, in demonstrating to us that a very eloquent orator had been foolish enough to enter the wholesale drug business.

The Committee of Arrangements of our city have builded much wiser than they thought when they selected a man who himself could not speak to you, but who was capable, at least, to use the language of our ex-president of Kansas City, of touching the button. That is all I have promised to do this evening, and I want to say in advance, while we do not know what responses we will get to the touching of

that button, we hope that they will not disappoint you. It may, however, be proper for me to say, in such imperfect words as I can command, that the committee are very glad indeed of the opportunity of having around their festive board so large a representation of this very important branch of business in the United States. So far as my memory goes—and it does not go very far—because I am not a very old man (laughter), but so far as I can recall, the Association has never had an attendance like the one we have had at this meeting, in the city of Philadelphia. (Applause.) The members present are not only numerous, but the best representative from each house that could possibly be found was sent here to represent that house (laughter and applause), and I think that this is something we ought to be very proud of. I think this is due, to some extent, to Philadelphia's fame for her hospitality and her loyalty to this organization. I think even our friends from New York, who are constantly alluding to us as slow (applause), will confess before the conclusion of these proceedings that although this city is not the largest in the United States, it is in every way as capable of entertaining the members of the National Wholesale Druggists Association as any in the country.

Gentlemen, our first toast this evening is "The President of the United States," one which you will all admit at once is proper, should be placed at the head of the list, and before proceeding to announce it I will read the following letter which was received a few days ago:

EXECUTIVE MANSION, WASHINGTON, September, 29, 1896.  
M. N. Kline, Philadelphia.

Dear Sir: I beg to acknowledge receipt of your courteous invitation addressed to the President, requesting his presence at a

banquet to be rendered by the National Wholesale Druggists Association, for the evening of October 8 next, and to convey to you his appreciation of the honor conferred, and his sincere regret at not being able to accept.

Respectfully,

HENRY F. THURBER,

Private Secretary.

Whatever may be our individual opinion with reference to any part of the policy of the President of the United States, I think we will all agree that the ruler of a great nation, made the ruler by the suffrages of seventy millions of free born American people, is entitled to the first consideration at our hands on occasion of this sort. (Applause.) We owe him, so long as he is in the President's chair, our loyal allegiance and our highest respect, and I take great pleasure, therefore, in introducing to you a gentleman who is in a representative position to respond to this patriotic sentiment, Hon. James M. Beck, United States District Attorney.

Mr. President and Gentlemen: It was Henry Armitt Brown, known to many of us who are here assembled, as a most distinguished orator of Philadelphia, and whose untimely death our people have never ceased to lament, who first applied a post-prandial speech an incident of natural history. He alluded to the fact that in the jungles of Africa, when monkeys are about to cross a stream they always send the little monkeys ahead to ascertain whether there are any crocodiles in the stream. If they are not snapped up the presumption is that none are there, and the older monkeys thereupon cross. I assume that it was with some such idea that the Committee of Arrangements of this dinner did me the honor to place me at the head of the list of speakers, so that I might ascertain whether the stream was

free from crocodiles. Let me then, in the first place, most gratefully acknowledge the honor which you have done me in inviting me to be present at this banquet, and in thus enabling me to join with my other fellow citizens in welcoming your distinguished guests within the hospitable walls of our city, and let me especially acknowledge the honor you have done me in assigning to me a toast so conspicuous and of such distinction as that of "The President of the United States."

The theme seems to me to admit of double treatment. I could either treat it as referring to the present distinguished citizen who, by virtue of the suffrages of his fellow citizens, at present occupies the highest office in their gift, or, as relating to the office itself rather than its temporary occupant. I should not trust myself to regard the toast in the former light, lest in my admiration for Mr. Cleveland, I should transgress that unwritten law of social courtesy which forbids the discussion of politics or religion at a banqueting board, and yet, I may be permitted to say that, however widely many may differ from Mr. Cleveland in his economic views, the masses of our people, without regard to party, must respect the sincerity and courage with which he has always expressed, without reference to his personal interests, his political convictions. He has been no weather vane to veer with every passing breeze, but rather he has been, to use the fine language of the poet laureate, "a tower of strength, and has stood foursquare to every wind that blew."

In this connection let me mention an incident for which a distinguished publicist of this state is my authority. This gentleman was passing through



Washington in November, 1887. He called at the White House to pay his respects to the President, who was at that time drafting his famous tariff message to send to Congress. Mr. Cleveland showed this gentleman in question a draft of that message. Thereupon my friend said: "Mr. President, all that you say is just, but is it expedient?" To which Mr. Cleveland promptly replied: "If it be just, what matter whether it be expedient?" And this seems to me to fairly characterize the man.

I would hesitate to say too much of him, for an additional reason, lest my enthusiasm should be suspected as being due, as has been said, to "benefits received, and fostered by the expectation of favors yet to come."

Treating the toast, however, as referring exclusively to the high position itself, let me, in the first place, express my own amazement that this toast is so infrequently heard at public dinners. I have been attending public banquets in this country for nearly twenty years, and this is the first public banquet at which there has ever been a toast to the President of the United States. This is, of course, in striking contrast to the custom of other countries, where the first and most invariable toast at every public dinner is the loyal toast to the ruler of the country. Why is this? Are our people less patriotic, and are they inspired by a less sense of national unity than other countries, or is it that we are simply less demonstrative? Those of us who have been privileged to cross the ocean must have been struck by the fact that at entertainments given by Englishmen and Americans, when they are concluded, in compliment to both countries, by the national anthems, "God Save the

Queen" and the "Star Spangled Banner," that while every Englishman knows the words of his national hymn, it is rare, indeed, to find any American who can, without reading it, sing the words of the most heroic song of any people, and one which has additional interest, inasmuch as it was inspired by a great crisis in our history. In England where the people are generally supposed by us to be phlegmatic and calculating and little swayed by their emotion or sentiment, no public entertainment is ever concluded without the strains "God Save the Queen," and whether you are listening to Calve sing at Covent Garden, or Henry Irving at the Lyceum, or witnessing the vaudeville entertainment of the so-called music halls, you are struck by the fact that as the entertainment ends, and the orchestra plays the national hymn, that everywhere hats are raised in honor of the sentiment. I, for one, do not think that this is inspired solely or chiefly by either love or admiration for an estimable but somewhat rheumatic lady, whom the London tradespeople have severely criticized for her neglect of her one state duty, viz., public display. The motive that inspires the national custom is the intense patriotic regard for the unity of the nation and the supremacy of its interests above those of any party. It is the same spirit that caused Englishmen to alternately weep and cheer when Haydn Coffin, in "The Artist's Model," sang the praise of the English foot soldier in the popular song, "Tommy Atkins." Even an American felt somewhat of this thrill as Coffin sang:

In war time then it's Tommy to the front,  
And we ship him off in troopers to the scene;  
We sit at home while Tommy bears the brunt  
Of fighting for his country and the Queen.

Whether it be on India's coral strand,  
Or pouring out his blood in the Soudan,  
To keep the flag a-flying he is a doing and a dying,  
Every inch of him a soldier and a man.

Oh, Tommy, Tommy Atkins, you're a good 'un heart and hand,  
You're a credit to your calling and to your native land;  
May your luck be ever with you; may your love be ever true;  
God bless you, Tommy Atkins, here's your country's health to  
you.

The sentiment for the foot soldier and the Queen  
is precisely the same, and is indirectly the love of  
England.

Now, there seems to me a better reason why the  
toast to which I am assigned should grace every  
public dinner than the toast "The Queen." In the  
first place, the President is more powerful than the  
Queen. Within his eight years of political power  
Mr. Cleveland has enjoyed more real influence than  
Victoria in her reign of sixty years. The Queen, as we  
all know, is to-day a political nonentity, however in-  
fluential she may be in private life. Her prerogative of  
vetoing any bill enacted by Parliament was taken  
from her during the reign of Queen Anne, and if  
Parliament should abolish the House of Lords, or  
even the throne, the Queen would be impotent to  
stay their hands. While she nominally appoints, yet  
appointments are largely made by the leaders of the  
party in power, or by the bureau chiefs. The Presi-  
dent of the United States is, on the contrary, the  
most powerful of constitutional rulers. No law can  
be passed by a mere majority without his assent. He  
appoints directly the most prominent officers of the  
Government, and indirectly, through his cabinet  
ministers, nearly one hundred and fifty thousand  
office holders. He is, by virtue of his office, the leader

of the dominant party, and controlling in its influence. His power for good or evil is almost immeasurable. In the second place, we may so far gratify our national pride by claiming that he rules over a grander country. It is true that the morning reveille of the British soldier keeps pace with the progress of the sun, as Mr. Webster, in effect, expressed it, but it is likewise true that when the setting sun disappears from the last of our territorial possessions it is already gilding the pine-clad hills of Maine, so that the American flag waving over a vast domain, is illuminated with the glory of eternal day. And what a country! Stretching from the Arctic desolation of the far north to the land of perpetual summer in the south, bordered on the east by the Atlantic and stretching as far distant from San Francisco into the Pacific as that city is distant from New York, it presents a country than which none is more infinitely diversified and endowed with latent wealth. You could take the historic Rhine and run it through the Father of Waters, the Mississippi, and it would seem no more than a tiny stream of bilge water. All the lakes of which Europe is proud—its Killarneys, its Comos and its Lucernes—could be emptied into the heaving waters of Lake Michigan without causing a perceptible rise. Switzerland may have a dozen peaks that are over fourteen thousand feet high, but Colorado, itself a mighty tableland six thousand feet in the azure, has at least thirty-seven that are over thirteen thousand feet high, and so many that are over twelve thousand feet high that it has been found impracticable to even name them separately.

There is another reason why the President is the more worthy subject of a toast. He has won his

position by merit. He is not an accident. You may remember the indignant reply of Lord Thurlow when taunted by the Duke of Grafton with his plebeian origin. He replied by reminding the noble Duke and his more aristocratic fellows that they were but "the accident of an accident." It cannot be said by any stretch of imagination that Victoria owes her position to any merit of her own. She was chosen because she was the daughter of her father, just as the Prince of Wales will be selected because he is the son of his mother. It is true that Presidents have often been the result of seeming accidents, but it may be safely said that no man has ever won his way to the White House without having first achieved high civic distinction, either in the cabinet or the tented field. No President is an accident. None has ever been selected who did not earn it, and it is a signal demonstration of the truth of democracy that our line of Presidents compares most favorably with any line of rulers of any country. Take, for example, England. From the time of the marauding Conqueror down to William the IV., and excluding the present Queen, there never was a really good man or woman upon the throne of England. The present estimable lady whose reign has been so long and distinguished, has done somewhat to redeem the history of her race; but whether it be Plantagenet, Tudor, Stuart or the present reigning German house, the line, excepting the present occupant, has been a succession of men and women, the baseness of whose lives it would beggar language to adequately describe. Thus it was said of William the Red that "never day dawned but he arose a worse man than he had lain down; never sun set but he lay down a worse man than he had



risen." It was Richard the Lion-Hearted who described his own dynasty by this sententious motto: "We came of the devil, and we shall go to the devil," and, as emphasizing the accuracy of this description Philip of France, wrote to the usurper, John, when Richard escaped: "The devil is loose, take care of yourself." Of John, the usurper, who murdered Arthur, the tribute was, that: "Foul as it is, hell itself is defiled by the fouler presence of John." And thus we might go through the royal line of England; if time sufficed, instancing that crookback king who died at Bosworth Field, and whose depravity Shakespeare has graphically pictured; or of Henry VIII., who, with his six wives, loved not wisely, but too well; or of that marble-hearted "vestal throned by the West," Elizabeth, who beheaded her own sister; or of James I., who is described by the French Ambassador as "the wisest fool in Europe;" or of Charles II., who out-Heroded his contemporary, Louis XIV.; and, coming down to the present German house, the four Georges, of whom it can best be said in palliation that they were mental as well as moral imbeciles. When, therefore supercilious writers publish great volumes to prove the failure of democracy, we need only to compare the catalogue of English rulers, to which the Rogues' Gallery would by comparison be respectable, with the line of brave and true men who have occupied the Chief Magistracy of this Republic, and not one of whom has ever done aught by deed or word, either in public or private life, to dishonor the office which he held. If I have reflected on some English rulers, do not understand me as reflecting on the English people, whom I profoundly respect and admire.

Washington, Adams, Jefferson, Madison, Monroe, John Quincy Adams, Jackson, Van Buren, William H. Harrison, Tyler, Polk, Taylor, Fillmore, Pierce, Buchanan, Lincoln, Johnson, Grant, Hayes, Garfield, Arthur, Cleveland, Benj. Harrison, Cleveland, are one and all examples of American manhood, representing the chivalry of the North and South and the East and West, of whom any nation might justifiably be proud. Some, it is true, came from humble origin; but that equality of opportunity, which is the basic principle of our government, finds no nobler illustration than the fact that the surveyor of Virginia, the rail splitter of Illinois, or the canal boy of Ohio, have risen by their own genius from positions of great obscurity to the most honorable position in the gift of any people.

I remember, when visiting Westminster Abbey, where lie buried the enmities of twenty generations, that the verger showed me a side chapel, in which some sixty kings, queens and princes of the royal blood were almost indiscriminately buried. The verger proceeded to tell me of Dean Stanley's explorations of the Abbey, and he added, with no attempt at humor, that the Dean, with all his learning, had had a very long search for the bones of King James I., but that after much investigation they had been located in a neglected corner of this chapel. I could not but think what that royal pedant, James I., would have thought of it had it occurred to him on the occasion of his coronation in the Abbey that the day was not far distant when his very bones would be the object of a prolonged search.

It was Oscar Wilde who taunted us with having no ruins, but I rejoice in the fact that our capital

city has no object of such melancholy interest as, for example, the Tower of London, which derives its only sacredness from the fact that its every stone has been stained by innocent blood, and that it has been a place of martyrdom. To it the words which Byron spoke of the Castle of Chillon, could be with propriety applied:

Chillon, thy prison is an holy place,  
And thy sad floor an altar,  
For 'twas trod by him whose very footsteps left a trace,  
Worn as if the cold pavement were a sod, by Bonivárd.  
Let none those marks efface for they appeal  
From tyranny to God.

In the place of this old feudal fortress we can show the visitor to our capital, the White House, or that Patent Office in whose exhibits can best be found the peculiar genius of the American people in its manifold triumphs of mind over matter.

Why then is this toast of the President of the United States so rare at public dinners? I attribute it to the excess of party spirit in our country. There is no land in which speech, thought, writing, and political action is as absolutely free as in ours, and this very liberty makes us correspondingly tenacious of our opinions. The President of the United States is not like the Queen, above party. He is a leader of a party by virtue of his position, and thus a habit of thought has grown, by which a Democrat regards a Democratic President as "our President," rather than the President of the whole people. Politics with us is a game in which no incidental advantage is ever lost, and if, therefore, men of one party were to toast the President of the United States at their banqueting board, it is feared that their ac-

tion might be construed as a quasi indorsement of the ruling administration. The excess of party spirit was never greater than in the beginning of the Republic. The early political differences in Washington's cabinet were intense. Before the great first President had concluded his second administration he was pursued by an angry and often venomous public clamor. He was accused of drawing his pay in advance; of being in the pay and service of the British Government and of other political crimes too many to be here mentioned. During Adams' administration political feeling was so intense that when Jefferson was elected, in the beginning of the century, the Federalists very generally refused to acquiesce in the election. Adams himself left Washington before the inauguration of his successor, without extending the slightest courtesy to him. The Secretary of State, John Marshall, remained in the White House until 12 o'clock, midnight, of March 3, signing commissions, so as to deprive Jefferson of some life appointments. He was not stopped until the tall form of Jefferson's representative, Levi Lincoln, appeared in the doorway and demanded the transfer of the papers. Marshall protested that it was not midnight, but Lincoln calmly took out his watch and said: "This is the President's watch and governs." Marshall afterward bitterly said that he was hardly permitted to take away his hat. While such a want of courtesy and official propriety has never marked our time, yet party spirit seems still to exact an undue allegiance from men.

In the present campaign we hear of thousands of Republicans in the West who, although firmly believing in free silver as the only pathway to prosper-

ity, well yet vote for the Republican candidate, who is expressly pledged to the gold standard, and, on the other hand, we have as many Democrats in the East, who, after deciding in April that the debasement of the currency vitally affected national honor and credit, have been content in September to indorse that policy because a majority of their party have so declared. This is party spirit run wild. It places the party above the Republic. It is a virtual abdication of both the intellect and the conscience. Well may we recall the farewell words of Washington, in which he pathetically warned his country against excessive partisanship, or of the no less sententious words of Jefferson in his first inaugural, when he reminded his auditors that every difference of opinion was not a difference of principle, and he added: "We are all federalists; we are all republicans; we are all Americans."

I believe, therefore, a real service would be done if at every public dinner such a toast as you have done me the honor to assign to me should head the list of toasts. It would be one method of attesting our devotion to our country and our respect for the Chief Magistrate, no matter what his political opinion may be. It would emphasize our national unity. It would attest the fact that the President is not the President of a party, but the President of the whole people. In a country so heterogeneous as ours, composed of many races and of many newcomers, who but inadequately understand our institutions, it would emphasize the fact that the President is chosen to execute the laws of the United States, and that in such execution he will have the loyal support of all true Americans. That this is so we have had a re-



cent example which clearly showed that our politics, as Senator Lodge has said, stopped at the brink of the ocean. Great Britain, the most formidable sea power on earth, had a quarrel with one of the weakest of our South American brethren—the nation of Venezuela. She sought to take a strip of territory which is as large as all New England, and upon which, by some coincidence, are valuable gold mines. The United States, in recognition of the disparity between the two countries, offered, in the kindest and most conciliatory way, its mediation, or suggested that the merits of the dispute should be submitted to the disinterested judgment of an international tribunal. If it be asked what our nation's interest in this quarrel is, it could be answered that we had the same interest as England had in the possession of Constantinople when she sent her fleet through the Dardanelles at the approach of the Russian troops. The Monroe Doctrine has too long been acquiesced in to now challenge the legitimate interests which the United States has in the integrity of any American nation. To this conciliatory offer the Marquis of Salisbury replied by a note which denied the interest of the United States and rejected its conciliatory offers. If we were a country of diplomats who quarreled through Touchstone's seven degrees, from the countercheck quarrelsome to the lie direct, there would probably have been much tedious and prolix diplomatic correspondence. President Cleveland, however, taking the correspondence from his Secretary of State, wrote a plain, simple, straightforward letter, by which he virtually served notice upon England, that unless she were willing to submit the dispute to arbitration our country would investigate

the facts for itself, and that if it were persuaded that England was wantonly oppressing Venezuela, England would have America to reckon with. This may not have been strictly the Monroe Doctrine, but it was something better—it was the chivalry which impels the strong to defend the weak. The result was instantaneous. If there had been political divisions before, all Americans without regard to party, speaking through their representatives in Congress, upheld the arm of the President. Such was the force, that England substantially retreated from her false position, and has acceded to our most reasonable demands. If such support of a President can be given in foreign politics, why should it not be given in all domestic politics, where we may not reasonably differ?

Let us then hope that the example of this Association may be imitated by others, until at every banquet held upon American soil each man, whatever his politics or political prejudice may be, will take his glass and drink to the health of the President of the United States.

THE TOASTMASTER—Next to the toast to the President of the United States would naturally come our respects to the Governor of this Commonwealth. I will now read the following letter, which I received, as chairman of the Committee on Invitations, under date of September 29:

EXECUTIVE CHAMBER, HARRISBURG, PENN.

Dear Sir—I beg to thank you for your letter of the 20th inst., inviting me to be present at the banquet to be tendered to the National Wholesale Druggists Association on the evening of October 8. Unfortunately, I have an engagement on that date which prevents me from being with you. I regret very much my inability

to be present, and to extend a hearty welcome to the members of the druggists' association of this country.

Faithfully yours,

DANIEL H. HASTINGS.

(Applause.)

I am going to make a little change in the programme as printed, in order to accommodate the gentleman who is to respond to the toast "Our Manufacturing Interests." Our president and latest ex-president of the National Wholesale Druggists Association, who are naturally regarded as coming next to the President of the United States, have kindly consented to have me call up the toast of the manufacturing interests, as Mr. Converse, who is to respond to that toast, wishes to take a train very soon. I want to say, in introducing Mr. Converse, that it has always been the proud distinction of the city of Philadelphia to hold a foremost place among the cities of this Union in the value of her manufacturing products. It was only upon the taking of the last census, when the city of New York was able to work in everybody, no matter how remotely connected with manufactures, that we were given second place; and therefore for the present, until the next census is taken, we occupy the second place, but even in that position I claim that we occupy no mean position, because we have in this city nearly 19,000 different legitimate manufacturing institutions. We have in this city an organization which I think may well be credited with having done more for the manufacturing interests of this country than any other in it. As the president of that organization, and also as being a prominent member of a firm which manufactures, as I believe, nearly one-half of all the locomotives in the world, I take pleasure in introducing to

you to respond to this toast Mr. John H. Converse, the president of the Manufacturers' Club.

MR. CONVERSE—Mr. President and Gentlemen: I have been somewhat at a loss to understand why I should be called upon to respond for such an important interest as the manufacturers of Philadelphia. I naturally wonder why, for example, some of your own members who are manufacturers were not selected for that purpose. You might have asked Mr. Rosengarten or Mr. Weightman, who are distinguished Philadelphia manufacturers, to speak to you on this important question. But it has just occurred to me that the reason, probably, is that the product which I am so unfortunate as to represent is absolutely at this time a drug in the market. (Applause.) If I were to mention any of our products to you, gentlemen—I do not, but if I were to make the offer to a delegation—you might see fit to visit the works and take away a locomotive or two if you wanted it. I doubt if you would accept my proposition. This subject is altogether too vast for treatment to-night. I shall not attempt to do it. Like some of the continued stories, there will be a chance to finish the thread of my discourse at a future time. It may be that I can secure an invitation to some other banquet of the Wholesale Druggists Association, and continue my address in some other city. I am not altogether disinterested in promising you a very brief reference to the subject assigned me, and do not know that I could better fill the five minutes I propose to take than to refer to the less known manufactures of Philadelphia.

It would be superfluous to speak of our ship yards and textile mills, manufactures of machinery and carpets, and innumerable things which have made Phila-

delphia famous. I will only refer to some things which perhaps some of you are not so well acquainted with, and the first perhaps would naturally be the Quaker. Some of you may have heard that Philadelphia is famous for the manufacture of that product. I do not know whether you have discerned any of the species in your peregrinations around our streets; in fact, you may be skeptical of their existence. I think it is related by the Detroit Free Press that when its editor visited Philadelphia at one time, on his return he was asked: "Did you see any Quakers there?" He answered: "Yes, I saw one, and that was the hackman who drove me from the Broad street station to the Continental Hotel, and when I got down he demanded \$3 for a fare, and I protested it was too much, and he said: 'If thee don't pay me the \$3 thee owes me, I will get down and knock thy blamed head off.'" (Applause.)

I do not like to reflect upon your chairman on Committee of Arrangements, but while they have given me what is called Philadelphia terrapin, they have not given us any Philadelphia scrapple; that, you know, is one of those delicacies which the philosopher said he always rejoiced in consuming, because he knew exactly what it was he was eating. (Applause.)

We have one other manufacture that I might refer to, and that is one which is located on Chestnut street, and is sometimes called the United States Mint. There is considerable interest attached to that manufacturing establishment at this time, in view of some of the questions which are engaging passing attention in the public mind (applause), but you will understand that I am not lugging in the



matter for the purpose of making a free silver speech. (Applause.) I do not pretend to discuss any free silver question. My predecessor has reminded me that neither silver nor religion is to be touched upon on this occasion, but I may say from a manufacturing point of view, that it is an institution which will probably well repay a visit; it will remind you of a remark which a son of the Emerald Isle made. He said: "There is one trouble that I have made up my mind is going to happen if I vote for 16 to 1; if I vote for 16 to 1 I think the next thing will be nothing to ate?" (Applause.)

We Philadelphians are, if I do say it, a very modest people about our manufactures, and that modesty comes from our ignorance of what is going on in our midst. Some two or three years ago, while on the other side of the water, I had occasion to write some business letters to my firm. On receiving them we were very much interested in a form of paper fastener which had been used to fasten the sheets together. Our people thought it would be a good idea to secure some of these fasteners. They, therefore, wrote to the London stationer whose mark was on the paper, and asked him where the fasteners could be procured. They got a reply in due course, saying that they could get them from the Dennison Manufacturing Company, Sixth and Chestnut streets, Philadelphia.

Your chairman has given me away, as it were, by telling you of the line of business in which I am engaged, and I will make that an excuse for saying something about the interests which that touches. I saw one time--excuse me for the reference; I do not know how many gentlemen from Gotham are in-

cluded in your association—but I saw in New York a very interesting item to the following effect, that there had been shipped from the port of New York, as shown by the Custom House returns, during the past year, one hundred and twenty-one locomotives. The paragrapher remarked that this certainly spoke well for the interests of that manufacture in that vicinity. On reading the item, I turned to our books and was somewhat amused to find that out of the one hundred and twenty-one locomotives a hundred and twenty were manufactured in Philadelphia. We are a very slow people, of course. We acknowledge we are painfully conscious of our shortcomings, but we generally get there after a while (applause), and when necessary for New York to be taught an object lesson in business, they come to Philadelphia and get my distinguished friend on the left (Mr. Wanamaker) to go over there and show them how to do it. (Great applause.) But I will not take up any more of your time. I thank you, gentlemen, for the privilege of meeting you. I am glad to look upon so distinguished a body of men. I have no doubt you are all millionaires or intend to be at some future time. I am reminded of a countryman of mine in my old New England home, who was in your line of business, but he was only a retail druggist. His father before him had been a retail druggist, and one day he went off on a trip and left his son to take care of the shop. When he came back he asked for an accounting, and the son, quite a young boy at the time, told his father what he had done. Among other things he said: "I sold half an ounce of such and such a drug," describing it. "That is right," said the father. "How much did you get for it?" "I got twenty cents; it is

marked forty cents an ounce." The father threw up his hands in dismay and said: "You have made a terrible mistake; you read the price wrong; it was four dollars an ounce." Whereupon the son burst into tears and thought he had lost all chance for promotion. The father said: "No matter, my boy, there was 400 per cent profit in it, any how." (Great applause.)

THE TOASTMASTER—Gentlemen, however much you may have been interested in the toasts which have preceded this one, I know that many of you have lingered rather impatiently to hear something about ourselves. As a matter of fact, for nearly a week past we have been in session now, and most of you have heard nothing about the National Wholesale Druggists Association. You have talked and deliberated about various matters of entertainment, and have had a fairly good time. Now we come back to business and are confronted once more with the realities of our daily life, and with its various tribulations, so that it may be well before you go back to your homes to hear something about the National Wholesale Druggists Association. This, as you have already been made aware, has been captured, both as to its officers and to its next place of meeting, by the solid South. (Applause.) The city of Richmond, owing to the eloquence of one of the delegates sent from that city, has won not only the presidency but the next place of meeting. So I will introduce to you the gentleman who has just been elevated to the high office of president of this Association—Col. Purcell, I think it is colonel, or it may be general; but it makes no difference whether it is colonel or general—I introduce to you President Purcell, of Richmond.

MR. PURCELL—Mr. Toastmaster, fellow members of the Association, and our generous hosts of Philadelphia:

I had hoped that when the first speaker of the evening had finished his beautiful and patriotic speech, that I would be relegated to an obscurity, by which the memory of our toastmaster with reference to me would have failed him, so that when requested to defer my remarks until the toast to the manufactories of Philadelphia had been responded to, I welcomed it as an intervening space between the Hon. Mr. Beck and myself, that would in some degree prepare you for the transition from an oasis to the desert. Judge then my disappointment, when from the Manufacturers of Philadelphia, I found another whose gifted tongue would cause my trepidation to increase, did I not have tangible evidence of your kindly feeling toward me.

In responding to this toast, I fear that those (shall I call them friends?) who have been instrumental in placing me in this position, will feel that I am endeavoring to punish them for perpetrating upon you so horrible a joke as I fear that I shall prove to be. I assure you, however, that such is not the case, and that I am doing my best to reflect credit upon them, but after a hard day's work to be told at 4 p. m. that you must be prepared by 6 p. m. to make two speeches before such an audience, would, I think, stagger even Mr. Chauncey Depew, that most celebrated of all post prandial orators. I feel that our Committee of Arrangements either thought me a kind of "press the button" speaker, or took this delicate method of intimating to me that the least said the best. I think too that the subject of the toast

demands fairer and more dignified treatment at my hands than the time allotted me will permit.

This Association has already been an evolution, but full armed has entered the Arena; and from the day of its inception has borne fruits to those who had the honor of its inauguration. It is a marked example of co-operation in commercial affairs. Its work is known to all of you, and it would be but a dry recital of facts for me to repeat here to you its achievements, the most potent of which, the most beneficial, and by far the most cherished, is that feeling of comity, good fellowship and friendship, "Jewels worth whole hecatombs" of profits, which our Association has engendered.

Let us cherish the friendships made here, they serve to make our business pathway more pleasant. It is like the cultivation of a sweet garden, from which we uproot the thorns and weeds and give full play to the beautiful growth of the virtues, confidence and esteem, without which commerce cannot thrive. Upon this one thing—confidence, must commerce be based. Commerce, the great civilizer of nations, the harbinger of civilization, must have for the corner stone of its foundation—confidence. Without it there can be no commerce, without commerce we cannot have prosperity. Honor and commerce are synonymous terms and mean but the same thing. I wish it were in my power to have gladdened you with the satisfaction that your choice of a president was one that would have reflected credit on you. Perhaps, when like our ex-president, I have had more time, for I know what a treat is in store from him, I shall be able to do better and prove that you "Had builded better than you knew."



THE TOASTMASTER—I will once more have to break into the regular order as laid down on our program of toasts to accommodate the gentleman who has kindly consented to respond to "Our Commercial Interests," as he is also obliged to take an early train. I do this all the more readily, as our ex-president has stated he would like to have a little more time to prepare his speech. You know he is not a very ready talker. I want to say, before introducing this speaker, that it is a fact that while our manufacturing interests are very large, it is stated that most of our products are sold in the neighboring city of New York (applause); but we know that notwithstanding this, we have some reason to be proud of some of the establishments in this city representing our commercial interests, and there is none of which we have reason to be more proud than the one which has been so successfully managed by the gentleman whom I am now about to introduce to you; and without infringing further upon his time, I take pleasure in introducing to you the Hon. John Wanamaker, who will respond to the toast "Our Commercial Interests."

MR. WANAMAKER—Mr. Chairman and Gentlemen: The toast is too large and the speaker is too small. (Laughter.) When I had the pleasure of being your letter carrier, I had a great deal of trouble with the free delivery, and I have a great deal more trouble to-night as I stand in your presence, and attempt to speak. Your own graceful speeches, and the superb address of the master artist of words in Philadelphia and the witty speech of the man who always gets up steam, and the graceful address of the eloquent Southerner, make me feel how young I

am, because of the embarrassment that creeps over me as I stand in your presence for a few words, limited as I am by reason of the last train that will blow its whistle at the Reading Terminal, which is at 11.47. It is a pleasure for me to find, as I look into your faces, that the next president will not have near as much trouble in forming his cabinet as he, perhaps, is dreaming of to-night. (Applause.) He has not seen the members of the National Wholesale Druggists Association. (Applause.) I have taken a great many tonics from the drug men—not near so agreeable as your cheers and this good comradeship that brings us together. The first business disappointment that I ever had was when, a boy of sixteen, I offered my services in the finest store in the city, according to the boys' talk, a little building at the corner of Schuylkill and Seventh—Mr. Chairman, but you are not old enough, perhaps, to remember so far back as that (laughter and applause)—a little building about fifteen feet square, beautifully fitted up. Well, I offered my services as a kind of an apprentice to learn the drug business. I think the man considered that I would be dear at half price. (Laughter.) The drug man, as I verily know, has large ideas of profits. (Laughter and applause.) I can understand your content in these hard times, when I reflect upon the large profits that come to your business (laughter), and instead of going into drugs I fell into rugs—and mugs—and the three per cent., instead of the 100 per cent. or 400 per cent. To be sure I have had many a temptation and many overtures, and it has been a very difficult thing to resist the probabilities of getting rich very quick, but I have so far been able to do so. (Laughter.) With-

out convincing you of the fruits of the business—I cannot say how much longer I will be able to resist (laughter)—it would seem like bringing coal to New Castle to talk to you about the commercial interests of our country. If any man or set of men have the commercial instinct, the power of making much of every circumstance, of making much out of little, it is the drug men. (Applause.) They say that a man that plants a tree is a public benefactor, what must it be to be a man who can plant a shrub or a blade of grass, and boil it into a liquid, and sell a few bowls for more than the whole ton of hay will come to (laughter and applause), but I am not jealous of the wit and success of my fellows. I hope for better times, and that they will give us all greater prosperity and greater success, and I congratulate you on this meeting that seems to stir the city, and upon the splendid exhibits you have made of the commercial interests and of what they are by the record that you have gone into, and that has been published in the newspapers and the accounts of your deliberations.

I do not wonder that business is dull in New York and in Cincinnati, and in other cities, since so many of you are away (laughter and applause), but I do believe that such an assemblage of bright and enterprising, hopeful men means much, not only to your own trade, a trade that ranks so high that it is semi-mercantile and semi-professional, and it means much not only for yourselves, but for every other interest. We long to get more, and are ready to keep what we get. If I can bring to you to-night any thought worth keeping in the brief moments that I have to speak to you, or suggest anything with

reference to commercial interests, for those interests are the keystones of every other interest in this community. (Applause.)

The first man to feel the change of air from the free coinage incompetent statements (applause and laughter) is the man of commercial interests, and the wonder to me is that the men who suffer loss, whose businesses are shattered, who must pay the taxes to support the charities in the time of need, do not have a greater interest in looking after the business of government. (Applause.)

I know that some of us from the beginning of our lives are taught to have nothing to do with politics. I say in your presence that if I had my life to live over again, I would make it part of my business—the business of politics—(applause) the study of government. The eloquent gentleman who made the first address has reminded us that we are not to touch upon politics or religion, and I shall not be the first to do that. To my mind politics, the science of government, ought to be studied by us all systematically, and we ought to know what is known in regard to the best government, and to endeavor to give practical points to everything that will bring a better rule and better prosperity to our land. (Applause.)

While it is not well to discourage in any sense any profession or any occupation, yet the business men ought to know something about the business of government. (Applause.) It is a great piece of machinery, that requires much more than the knowledge of law, or of agriculture; it requires a clear head, like that of the chairman (laughter and applause), and the splendid business experience that

comes to you in the management of men and in the direction of affairs. The one part that I think ought to live in your minds to-night is this, that I believe there ought to be a union of the business men of this country to secure consideration and place for the consideration of business affairs in the government of our country. We have now eight departments, first of state, second of war, third of the treasury, fourth of law, fifth of the mail, sixth of the interior, seventh of the navy, eighth and last branch of the government, the agricultural branch. I thought a great deal about it, and studied it in the brief time that I had the honor to be your servant in Washington, to represent, even poorly as I could, this grand old state that makes you so welcome as her guests. (Applause.) I want to submit to your consideration to-night that we need a new department of the government, a department of labor. (Applause.) I conceive that it is almost impossible in the present organization of our affairs to secure such consideration for the questions of the tariff, transportation, emigration and labor.

You gentlemen that have appeared before Congress know how short the time is to consider the vast interests of the capital that you represent. You know how soon the meetings are over, and how hurried the business at each end of the capitol, and I venture to say that your committee derived much less satisfaction than you would like to have considering what is involved in what you have endeavored to present, even as representatives not of your own personal business, but of all that are connected with you in some special branches of trade. And this is repeated session after session. You know we are affected by



differences in race, and you know how difficult the labor questions are. Does it not seem to you that, inasmuch as a great department is devoted to the navy and another to agriculture, that it is not asking much that the million of business men that supply the money, that lend it again, that these same business men should not only be encouraged and supported, but that by every possible means their business should be fostered and systems established through various agencies that are touched by the ministers abroad and the consuls, that the statistics that are gathered shall be put in some practical shape by which we may profit by them. I venture to suggest, as I am about to leave, how grateful I am to you, Mr. Chairman, for the invitation that gives me this opportunity to speak to my several business friends, grateful to you for the patience and the attention that I am receiving at your hands. I venture to suggest now that there is in this city one illustration of what may be done in the new foundation of a national commercial union, and which, I understand, you have been invited to visit to-morrow or next day, and I hope your stay will be beyond a week, and that you will get an opportunity to see this thoroughly practical and most important institution located in Philadelphia, or in any locality. It is a thoroughly business organization gathering the raw products, the natural drugs, of every portion of this habitable globe. So that you can understand the extent of this institution, I will say that there you have a large library, having every single publication of both hemispheres, some 600 of the business journals being there at your disposal. Why, gentlemen, you will open your eyes with wonder when you see

the breadth of the organization that is to bring out the very things that you are interested in from every clime, and all the data as to the cost of its production. Instead of sending your travelers all over the world to different places to first hands for the things that enter into your business, you can go to the Commercial Museum, and I beg you not to put it down as a Philadelphia institution. We are fortunate to be the suburb, as you see, of New York. (Applause.) It is something to live near the brightness and bubble of the great city, and if you will come over and enjoy and profit by what has been done it will add to the pleasure and to the satisfaction of Philadelphia, if it can be of any service. But, gentlemen, this is a national institution in which every commercial body in this country is represented on the advisory board. I introduce it to you to-night as simply one line of illustration of what would be the outcome of the establishment of a ninth department in our government, a department for commerce and labor, where we not only get good protection, but we would get the study of financial business questions, and the presentation of the statistics in such a form as would greatly help the business of us all.

I thank you, gentlemen, for this kindly hearing, and I bid you good night in the hope that you may have many such meetings in Philadelphia, and whenever you feel lonesome you will turn to our splendid chairman, and I am sure it would be a pleasure to him to stand alongside, and he would be glad to show you what is to be seen as the outcome of this gathering—the selected thought and energy of this people, of this great body resulting in a great revival

of Americanism and of business. Your meeting in this city will be a mark noticed by the entire population like the shining of a bright star. I bid you good night. (Applause.)

THE TOASTMASTER—I have purposely deferred calling upon the gentleman who will next address you, because I knew that at about this time the ladies would make their appearance, which would give him due inspiration. The dear souls who divide our profits and double our expenses—(laughter) have come here to listen to the orator of the Association, but before proceeding to call upon him without any regular toast on our program, I ask you first to drink to the ladies. The next toast is the National Wholesale Druggists Association, and I will call upon our latest ex-president, Mr. J. C. Eliel, of the city of Minneapolis. In calling first upon the president-elect to respond to this toast, I said: "Captured by the solid South," and I will head this subject by one fitting the present speaker: "Relinquished by the boundless West."

MR. ELIEL—Mr. Toastmaster, Ladies and Gentlemen: These russet leaves remind us that another year is drawing to a close, that "the autumnal holocaust" has burned its way, crimson and gold adown the valley, that "within the hollows of the woods the withered leaves in eddying heaps lie dead," that a year has come and gone since last we met together in convention; that it has blossomed, bloomed and faded; that it has waxed and waned, like any summer day, and, like that summer day, its setting is this blaze of color and of glory. A year is but a little thing, yet your kindness and consideration has

made it much to me, has made it a year never to be forgotten—long to be remembered.

I fully realize that now the moment has come when I must "bid farewell to all my greatness" (laughter and applause); when I must doff my cap to my illustrious successor, and join in the popular acclaim—"The king is dead, long live the king"—a sentiment which once in an idle moment I strung into a little jingle which somehow comes back to my mind to-night:

Within a pillared palace hall,  
In solemn state a king lies dead;  
Below upon the ivied wall,  
A sentry's muffled tread;  
Adown the park a merry lark,  
The while does trill and sing;  
What, ho, below a herald cries—  
The king is dead, and from a thousand throats  
The answer flies—  
Long live the king.

When a criminal is about to meet his doom in the presence of an eager and acquiescent audience, it is usual to give him a few moments, that he may ease his conscience and work off his valedictory (laughter), and so to-night your retiring president is given these few brief moments, that he may strut yet for a moment upon the public stage, sunning himself in your admiring glances, before he retires into that obscurity, which in this case so well befits him, and he is expected upon this occasion to say a few words to you in relation to the association which we so honor and which is so dear to us all; to take a retrospective glance, and, if need be, to give some account of his stewardship.

There are those present, no doubt, who are so unfortunate as not to be members of our Association, who may not know of its work and its mission, and it is to them that I am about to say these few words. Our Association was the child of necessity, born at a time when the clouds lowered upon our various houses, when distrust was everywhere, when profits were conspicuous by their absence, when men who lived in the same city spoke not when they passed each other by, when suspicion was in the air and good fellowship was absent. It was in these trying times, in the year 1876, that this child was brought into the world, and it has ever since been laboring in that field of necessity, laboring to elevate commercial ethics, laboring to eliminate those abuses which undue competition had forced into our business. It has in these years drawn to it the best, the ablest talent in the ranks of the wholesale drug trade. These men have labored unselfishly all these years for the good, not only of our Association, but of all those who engage in our traffic.

There is more in this line which I would like to say, but I realize that the hour is late, and that there are many able speakers yet to follow me, and I confess, too, that somehow in these surroundings, with this magnificent audience, in this gorgeous hall, my mind wanders into other channels. We are here tonight on storied ground. Those who founded here a great commonwealth did not emulate the example of the Pilgrim Fathers, of whom it has been wittily said that they fell first upon their knees and then upon the aborigines. (Laughter and applause.) Here justice was tempered with mercy. Here charity and toleration went hand in hand, and here yet



stands the treaty monument, sacred to a faith fulfilled. Here cluster and cling the traditions of the Revolution. Here worked those master minds whose like we may not see again, and of whom it can be truly said, "They builded better than they knew." Some one has said "all things shall pass away, and only art endure." The bust outlast the throne, the coin, Tiberius; but when the last marble bust shall have crumbled and again be dust; when every throne shall have tottered to its fall; when the Egyptian obelisks shall be but bits of broken stone, mute and meaningless; when every monument reared to the vanity of man shall have perished and be no more, and the sands of the desert shall swirl over the last vestige of the pyramids, the structure here reared shall yet stand a tower of strength, founded on eternal right and truth, with liberty its corner stone, buttressed with justice and cemented with the martyr blood of those who died that this people in freedom might live.

Yon marble minstrel's voiceless stone  
In deathless song shall tell,  
When many a vanished age has flown,  
The story how ye fell.  
Nor wreck nor change, nor winter's blight,  
Nor Time's relentless doom,  
Shall dim one ray of glory's light  
That gilds a hero's tomb.

Not only was liberty here born and cradled, but here in this city of Philadelphia our dear old flag first saw the light of day. Here Old Glory was born: and so, with your permission, I will close my remarks with an attempt to toast Old Glory—that flag which we all so dearly love, which represents all that for which men struggle and strive, our hearths and our

homes, our family and our friends, and if the metre be lame, if the rhythm be absent, if the words are halting, I trust you will receive it for the sentiment which it endeavors to convey:

Sing once again the good old song,  
 Tell once again the story,  
 Of how we fought for hours long  
 Beneath thy folds, Old Glory.  
 With shot and shell and rebel yell  
 The foe came up the valley;  
 With fife and drum and bullets' hum  
 We broke their every rally.  
 And when slow sinks the setting sun  
 O'er fields all red and gory,  
 Through fire and flood, o'er martyrs' blood,  
 Still shone your stars, Old Glory.  
 God bless each stripe, God bless each star,  
 And those who bravely bore them!  
 In every clime, if near or far,  
 On land or sea, in peace or war,  
 We pray, Thee, Lord, watch o'er them.  
 And here's to every patriot true,  
 To every man who wore the blue,  
 To every loyal woman, too!  
 And here's to the flag that waved o'er all,  
 From Sumpter to Antietam's fall,  
 And writ in blood its story!  
 These days have now forever flown,  
 This strife's forever ended.  
 One country and one flag we own.  
 Our wounds by time are mended.  
 Then here's to every soldier true  
 Who wore the gray or wore the blue!  
 And let us not to-night forget  
 To bow the heart, to bare the head,  
 In memory of the heroes dead,  
 Who fell to save Old Glory.

THE TOASTMASTER—Gentlemen, the next toast upon our program is one to the Philadelphia lawyer,

and I want to say that your committee would naturally labor under considerable embarrassment in deciding who, among the galaxy of lawyers in this city, should be selected to respond to it. You are aware, painfully aware, that at the present time most of us are in the hands of the law (laughter), and if I call upon the gentleman who is to respond to this toast, I want you to drink to the sentiment of the health and success of all the undertakings of the Philadelphia lawyer in our behalf, and confusion to all who espouse the other side. (Applause.) I will now call upon Mr. David W. Sellers, of this city, to respond to the toast of the Philadelphia lawyer.

MR. SELLERS—Mr. Chairman and Gentlemen: At this hour of the night, I imitate the Philadelphia lawyer who addresses a tired jury, who are anxious to get to their homes or get to their meals, and I will detain you very briefly.

That mighty wizard of the North whom they have called Sir Walter Scott, has said in one of his reminiscences that the clergy live by our sins, the lawyers by our misfortunes, and the doctors by our diseases, and as I look upon this gathering, allied to the doctors, let me congratulate you on how profitable disease seems to be. (Laughter.) As I suppose you have read the current literature of the country, and as you have listened to the minstrel song, you have selected this City of Brotherly Love to try the effect of this treatment upon the citizen. We are here so quiet and so slow and so conservative, we lack all the attraction and brilliancy that gather around the cosmopolitan city. We need no stimulant, at least we take but few, and

we entirely discard bromine, so that you can see in the City of Brotherly Love how much can be done by not dealing too much in drugs, and yet, if an earthquake should change its course, and this great city should be engulfed, some distant explorer in some far future time in passing among its ruins would be able to find that the druggists and the chemists in full evidence in this city, up to the latest time, and that it was not apparent that the style in which they lived was like the poor apothecary in Shakespeare, but they seemed to have lived on the fat of the land. (Laughter.)

Your Association, gentlemen, is like many of those associations which seem to be created by popular government, and you are entirely human, and when you get around the festive board you can get that moderate amount of mutual admiration which is particularly incidental, it seems to me, to the people of the United States. Keep at it. For my intercourse with the Philadelphia lawyer has shown me that he has convinced himself by talking so much on the subject that he has benefited the human race—upon the whole, he has got most of the people to believe it; and if you distribute yourselves over the country, and keep yourselves in a state of genuine mutual admiration, upon your fiftieth anniversary, or sooner than that, the people will believe some of you. (Laughter and applause.) I have often thought, Mr. Chairman, that there were some objections to an association like this of wholesale druggists. It seems to me that you do not allow those ills to which flesh is heir to have their fair, honest course, and it is only upon occasions like this, it seems to me, when the bulk of mankind are away from their drugs, that

we get into common touch, that we forget business, upon which you were really founded.

Let me say, in conclusion, that I shall not speak quite so long as I thought I would; that I hope, with your great skill of which I have read, and of which I have heard this evening, that you will so lessen the cost of the production of epsom salts and all that sort of thing (laughter) that they may be free to all those who need them; but, above all and at all times, that you may attain the purposes set out in the preamble of your organization—notably, to restrain competition by all other men by all honorable means. (Applause.)

THE TOASTMASTER—Ladies and Gentlemen: I regret to say that Philadelphia physicians make it a point to retire at 12 o'clock, so that we are deprived of the opportunity of hearing from one of the most eminent physicians upon a subject which I had hoped in view of the position which it holds among the institutions of this city, we would have a response to the toast to the University of Pennsylvania. I am sorry to say that we shall have no response to this toast, as Dr. Pepper had to leave.

We will, therefore, recur to our own ranks, and in asking the next speaker to respond to a toast I found, upon consultation, that nothing was large enough for him that was less in dimensions than "the territory west of the Mississippi." (Applause.) So that, in order to give him free play for his abilities and oratorical powers, we assign him the toast "Beyond the Mississippi," and I have the pleasure now of introducing ex-President Frank A. Faxon, of Kansas City, who will respond to that toast.



MR. FAXON—Mr. Toastmaster, Ladies and Gentlemen: It is hard, indeed, that I should be called upon to follow the devious path of a Philadelphia lawyer. I must confess that I feel out of place to-night in this great company of speakers; but the younger monkeys having crossed the stream in safety, I will essay to go over the river. I am a plain man, from the plain West, and a week ago I left the muddy and rich banks of the Missouri river at a point about a hundred miles below where the meandering shadow of Platte pours its waters into that great stream, and I have not yet felt that I have been "in the enemy's country." (Applause.) I feel that I am among friends, and in a community where they spell friends with a large F. When Mr. Converse was talking about that Quaker hackman, who charged some one \$3 for a fare, there came to my mind the recollection of a meeting in the little town of Lawrence, Kansas, when there was a yearly meeting of the Friends, the first meeting held in that section of the country. A great many people came there, and one of our hackmen, who wished to profit all he could by the occasion, studied into this Quaker dialect and prepared himself to make the most of the opportunity. He went over to the depot with his hack and helped in a couple of Friends, an old gentleman and his wife, and after they were comfortably seated he said: "Friends, where is thou baggage?" (Laughter.)

We were in Philadelphia eleven years ago, and we find it the same now as it was then. (Applause.) You probably have discovered a point in that which I did not see myself. (Applause.) Gracious hospitality has sweetened every hour—there is not much time; the

chairman has assigned me but forty or fifty minutes to dwell upon the pleasant reminiscences connected with that occasion. I remember the banquet; I remember hearing the eloquent words of that great advocate of protection, William D. Kelley, and I remember we listened to the words of John Roach, whose great ships have plowed every water and carried the flag into every port. Every time I come to Philadelphia I go back a better American citizen. When I come here and remember what has been done on this sacred soil, I wish that some of our people in the West who are raising disturbances in different localities, could come here and breathe this spirit of patriotism, this ozone of liberty which is in the air. (Applause.)

But I remember that I have got to cross the Mississippi. I suppose that the main things that you ladies and gentlemen would like to know to-night is how we are going to vote there next month. If I should tell you what I know, and I believe I do know, it would seem a little premature, and probably you had better wait for the official announcement. The trend of things is westward. Charles Dickens it was who said that he believed the typical American would hesitate to enter heaven, unless he was sure that he could go further west; but there is one thing that the typical and loyal American, if he should go to heaven, would recognize—he would feel at home there, because, like in this country to-day, there would be no North, no South, no East and no West. (Applause.)

I will not bore you with statistics. When you hear of the West you have conceptions of great things, I know. When you are told that the Dakotas could hold all the people of England, and not be

crowded, you have a conception of the boundless West. When you are told that if all the people of the United States were in Texas it would not be half as crowded as Italy, you have a conception of that boundless state; and when you are told that all the oats, wheat, barley, rye and cotton that were raised in the United States in '95 could have been raised in Texas, with fifty or sixty thousand square miles for pastures besides, you are impressed with the limitless character of that country. Take the state of Kansas—I speak of that state because I am very near the line (laughter). This year the crop was cut down to a great extent by hot winds. The sun-kissed prairies are sometimes kissed to a blister, and yet they raised two hundred million bushels of corn this year! When you remember that this quantity of corn would load a train so long that if the locomotive was entering West Philadelphia the caboose would be in the city of Denver, you have some conception of what one state can raise. Do you wonder that corn is cheap? Are you surprised when I tell you in that country they throw it to the very hogs? (Laughter.) The Eastern people perhaps do not understand the West as they ought to. They are apt in this country, I am told by a distinguished speaker, to spend their vacations in Europe; but they should know more about the country which lies beyond the Mississippi. They are exactly the same kind of people you have here—the Quaker of Pennsylvania, the Puritan of New England and the Cavalier of the South have gone there and mingled to make a mighty race. Your sons are there, your daughters have gone there or been taken there, and some of your money is there. (Laughter.) Some of it shows a disposition to stay there (laughter) where

it is most needed. Those people who in less than half a century of victorious warfare have accomplished what has been done across that great river are a high grade people, and reflect credit upon their ancestors here. States are not great except as men may make them great, and men are not great except they do and dare. The men and women who have dared so much and won so much in the West are from this section. In war and peace they have borne the burdens of the day. They went West young and poor. They found the valleys richer than the valleys of the Gihon or the Euphrates or the Nile; but, as far as I know, there is naught in the rich soil of that country to nourish the deadly nightshade of repudiation or the toadstool of dishonor. (Great applause.) Doubtless God might have made a lovelier country; doubtless God never did.

The West is poor only in capital to develop the wonderful gifts of Providence, and in order to get your money and use it in the development of the country there the people will keep their credit good. (Applause.) The people who in the early days went beyond the Mississippi took with them the printing press and the school, and above the school houses in the cities there, as here, and in the districts throughout the country, we find the Stars and Stripes, the ever beautiful emblem of law, order, liberty and honor. (Applause.) The public schools are the forts and arsenals of our country; and it may surprise some of you here to-night to be told that the three states in this country which give the largest part of their revenues to public education are Texas, Minnesota and Missouri. (Applause.) That is the kind of people we are there. There is comparative comfort

on every hand. There have been men of high resolve, lofty courage and great energy who have built up these great cities on the Mississippi and the Missouri; there in the shadows of the great mountains and there on the sunny slopes of the Sierras. The West is all right except in spots; it is streaked in places; but it is moving forward irresistably to grandeur and glory.

It is inevitable among all people that some offenses will arise. We have had here the grasshoper, the chinch bug and the Populist. You know something, perhaps, about the Populist. I do not know exactly how best to characterize him. He sleeps three in a bed, not because he has to, but the Populist is afraid to be alone with his God. Men who talk about the great red dragon of Lombard street; and think because a man is in favor of national honor he is a tool of Wall street, do not belong to the class which has grid-ironed the country with railroads, leveled its mountains, built its cities and developed it to such a high order as has been done there.

But, gentlemen, while we have the grasshoper and the chinch bug and the Populist, these are only occasional incidents. They are not permanent and do not stay. We have the sunshine and the rain falling, and the beautiful weather which brings forth the crops and conduces to our prosperity and happiness. Populism, like other vicious "isms," will pass away. The men who keep their faces toward the morning will control the West. But the thought that comes to me is that, while agriculture is great, while commerce is great and wealth is great, they are but creatures—great creatures, it is true—the creating spirit is the national sentiment. That is the spirit which is



welding these sections together, shoulder to shoulder.  
The good men of this country must stand together.

Together shouts Niagara,

Its thunder tones decree,

Together echo back the waves upon the Mexie Sea.

Together cry the people,

And together it shall be,

An everlasting charter bond, forever for the free.

The great destiny of this nation is far short of fulfillment. There is no conflict of interest between sections, but everywhere a common country; and the man who to-day would stir up sectional animosity or sectional differences, no matter what his name may be, would better never have been born. (Applause.) The sentiment that must inspire every heart is that which was expressed by the great expounder of the Constitution—Liberty and union, now and forever, one and inseparable. In New York harbor is that great statue called "Liberty Enlightening the World," and all over this country, in its towns and cities, on the lonely farm lands and on the mountain tops, is the spirit of liberty, bright with the hues of morning, enlightening and blessing the world. The words of Longfellow are still true:

Sail on, O Union, strong and great,

Humanity, with all its fears,

With all the hopes of future years,

Is hanging breathless in thy fate.

Sail on, nor fear to breast the sea,

Our hearts, our hopes, are all with thee,

Our hearts, our hopes, our prayers, our tears,

Our faith triumphant o'er our fears,

Are all with thee, are all with thee.

THE TOASTMASTER—If we were to call for a response to everything we consider and know is great

and notable in this model city of Philadelphia, I think it is probable we would detain you here for several weeks. The last speaker has attempted to illustrate the immensity of the grain crop of one of the states of which he spoke; but I suppose if we were to ask a response to a toast to all the institutions which are worthy of being called up on an occasion of this kind, we would wear you out; but we have one of which we are especially proud, and I trust you will delay just a moment longer to hear a response to the toast to an institution which is first of its kind in this country, which is an honor to this city and the country at large. I suppose many of the gentlemen who are here to-night are probably graduates of it. I refer to the Philadelphia College of Pharmacy, and the dean of that institution, Prof. Remington, will now respond to the toast in its honor.

PROF. REMINGTON—Mr. Chairman, Ladies and Gentlemen: I thank you, sir, for the honor of being called upon to speak for the oldest institution teaching pharmacy in America. I do not know why I should be called upon at this moment, and if any poor words of mine can adequately represent to you some conception of that grand old college, I shall be most happy. May I say, just for a moment, that possibly the oldest institution in America should properly be represented, as Mr. Beck says, by the oldest monkey, and, as I come last, I must be that one. I have sat here to-night with wonder when I heard the toast by the ex-postmaster of the United States and heard him say that he came very near being an apprentice to the drug business. My mind ran out to the terrible possibility to the commercial relation

of the Wholesale Druggists Association of America. What would you think of John Wanamaker as an apprentice to the drug business? What would he be to-day? Why, gentlemen, he would own every one of you and half a dozen other drug associations. (Laughter.)

You know that John Wanamaker has an especial regard for the wholesale drug business, and also for the retail drug business, and he in a very great measure has kept his hands largely from the throat of the retail druggist and the wholesale druggist of this city. He has not, like many of the department stores in other cities, and notably in the West, established a retail drug store in his place; but, Mr. President, the Philadelphia College of Pharmacy. When I look around this assemblage here to-night, I see here its graduates among you; I see them here, some of them gray haired, some of them younger, all vigorous, and as I take them by the hand every one of them speaks of the old institution with affection and feels that he has received from the institution a great deal of help in his career. Now, will you pardon me if I give you just a few words—it may be the only opportunity I may have, and I want by every means that is possible to try and keep not only the College of Pharmacy but every college of pharmacy in touch with every department of the drug business. There is a tendency, gentlemen, at the present time to take the colleges of pharmacy and surround them with an atmosphere which is not that of the drug business, and to put into the board of trustees, into the management of those institutions, men who possibly are eminent in business, but who are not pharmacists; and you will pardon me if I say now that future

pharmacy largely depends upon you, gentlemen, who are able, from a commercial standpoint, to grasp the subject which must come before the educational institutions, which are your children, I say, or they will languish—do not let these infants die because you are not having a lively business in those associations; do not let the management of the colleges of pharmacy drift away from you; take an active interest in their management; do not let it be said that there are not enough business men in the drug business who are going to manage your colleges of pharmacy. These cradles of learning ought to enlarge their business. You know very well the drug business is largely made up of technicalities—its technicalities are brought out in the colleges of pharmacy—they are taught there, and are also taught in your business. You teach men the practical part of the business and the business part, but the technical part you leave to the colleges. Now, I do not only speak of the Philadelphia College of Pharmacy, but I notice that in the words of the toast “Our College of Pharmacy,” and I would say to you in that broad spirit in which you have come here, in which you deal with all questions, support the college of pharmacy in your immediate neighborhood, support the educational institutions that you father. Do not let them drift away, and you will find in the future that you will have here men who are not only graduates of pharmacy but of medicine, engaged in this great interest, and they belong to the drug business throughout the country. Let us have such men in those institutions who will care for those younger than themselves, so that fifty years from now, when we have a meeting of the W. D. A., every man present will be a graduate of some

college of pharmacy. (Applause.) Now, gentlemen, the institution that I represent is just half a century older than this institution; it was founded in 1821. The presidents of the Philadelphia College of Pharmacy have all been druggists, and nearly all of them have been wholesale druggists. Thos. H. Powers, whom you know so well, the founder of the great house of Powers & Weightman, is an old graduate of the Philadelphia College of Pharmacy; Robt. Shoemaker, one of the ex-presidents, a man whom we all love, was one of the officers of our college; Chas. Bullock, the present president, is a wholesale druggist, and, need I repeat, the chairman, who has so ably filled the chair to-night, who is one of the officers of our Board of Trustees; and I could go through the list and show you the names of men eminent in pharmacy, members of your Association, who have been at one time or another connected with this institution. I say to you as the last words that I shall have opportunity of addressing—I have not the witty tongue of my predecessors, but I am none the less earnest, and I have but one more word to tell you—protect those institutions, and when you go away from Philadelphia make up your mind to take an interest in the college of pharmacy nearest to you and protect them for the future. (Applause.)

THE TOASTMASTER—Gentlemen, this will end our toasts. Before separating, however, if you will permit me I think you will be interested in having me read a letter, because it is from one whom some of you at least would very much have liked if he had graced our presence. The letter is dated Canton, Ohio, October 1, 1896, and addressed to M. N. Kline, Wholesale Druggists Association, Philadelphia, Pa.:



My Dear Sir—Major McKinley is in receipt of your favor of September 26, to be present at the banquet to be tendered by your society at the Hotel Walton on the evening of October 8. He begs me to present his regrets, as his time just now is occupied by matters that demand his attention. Owing to the great demand upon his time, he regrets his inability to be personally present. Jas. M. Boyle, Private Secretary.

Gentlemen, in closing our festivities, I want, on behalf of our committee, to thank all of you for your kind, courteous presence, and the attention which you have given to the speeches, and I want to ask you before you go away whether we have made any mistake in any of the speakers this evening. (No.) If we have, send me a note; the next time we come here we will not invite that fellow.

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**Brief and Arguments, J. D. Park & Sons Co., vs. National Wholesale Druggists Association.**

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NEW YORK SUPREME COURT,  
*County of New York.*

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|------------------------------|---|
| JOHN D. PARK & SONS COMPANY, | } |
| Plaintiff,                   |   |
| <i>Against</i>               | } |
| THE NATIONAL WHOLESALE       |   |
| DRUGGISTS ASSOCIATION and    |   |
| others, Defendants.          |   |

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**STATEMENT OF DEFENDANTS' CASE.**

The answer of the Defendants and affidavits in support of it will be found to support the following brief statement of the defendants' case.

The National Wholesale Druggists Association is an organization composed of about two-thirds of the wholesale and jobbing

druggists of the United States, and they are organized for the purposes set forth in the Constitution and By-Laws of the organization (Section 3 of Answer.)

The business of buying and selling patent or proprietary articles is only a part of the business which is conducted by the members of the Association, and the larger part of the business done by the members is not done upon the rebate plan at all. Among the various committees of the Association is one on Proprietary Goods, who are authorized to ascertain and report to the proprietors of patent or proprietary medicines violations of their respective contracts by any of their respective agents. This committee makes this report to the various proprietors who sell their goods under the rebate plan at their request, and to no one else.

The manufacturers of patent or proprietary articles manufactured under secret processes have for many years very generally fixed a price at which they expected their respective goods to be sold in the market; and they make it obligatory upon their agents and wholesale dealers to whom they sell to sell these goods only at the price fixed by the manufacturer whose goods they are selling. In consideration of the observance of this contract a rebate or discount upon the price of the goods is given. Each manufacturer fixes his own price for his own goods and also the rebate that he will give for maintaining that price, but there is absolutely no uniformity nor attempt among the manufacturers to introduce any uniformity in the sale of their competing articles. All the manufacturers compete with one another, as do all the wholesale druggists, but the manufacturer who wishes to get his own price for his own goods will only allow a rebate to such of his agents or vendees as comply with his terms of sale.

The complainant in this case was one of the organizers of the National Wholesale Druggists Association, and Mr. Ambro R. Parke (Affidavit of A. B. Merriam), was a member of the Committee on Proprietary Goods. The name of J. D. Park & Sons remained on the membership list of the Association until 1881, and J. D. Park & Sons appears third on the list of those who request the proprietors or manufacturers of proprietary goods to sell their goods upon the rebate plan. In spite of this fact and the fact that John D. Park & Sons signed these rebate contracts and agreed to observe their terms, their violations of their contract were so numerous that some manufacturers declined to sell them goods under any circumstances, and many of them, if not all, declined to pay

them the rebate until they complied with their contract. All defendants' affidavits agree that there was no agreement to do so, but self-interest was a sufficient inducement to the manufacturers to act in this way. In a letter dated May 13, 1886, Mr. Park admitted his violation of contracts and pledged his honor and the honor of his house not to do so any more (original letter and Kline's affidavit). In spite of this promise, the Proprietary Committee discovered that the violations of contracts continued, and the plaintiff is now seeking in this proceeding to assert his right to receive the goods upon terms which are not granted to any one else and which would discriminate in his favor, viz., that he should be paid the rebate which the others only receive upon compliance with their contract, and yet be permitted to ruin the business of all the other agents by open violations of contracts which they are faithfully observing. There is no attempt made on the part of the Association to discriminate between those who are members of the Association and those who are not, and they sell as readily the proprietary goods of those who do not sell upon the rebate plan as of those who do (Affidavit of L. N. Moyer and others), and the whole scope of the arrangement or agreement is to economize the labor and expense of individual proprietors in ascertaining violations of their contracts by providing a central organization with the proper machinery for doing the work thoroughly and cheaply.

The plaintiff's affidavit discloses very clearly that he was attempting to obtain goods and rebates from various proprietors by using the names of other persons who were merely his agents, and who consciously assumed that position for the purpose of enabling him to violate the proprietors' terms of sale. Those affidavits which allude to threats and threatening letters which have been received, fail to give copies of the letters or to prove that the persons who made the threats were at the time, directly or indirectly, connected with the Association. The references made in some of them to "arranging matters with the National Wholesale Druggists Association" explain themselves. A proprietor so writing was willing to sell and allow the rebate after the complainant had satisfied the Proprietary Committee that he was not violating his contract; because, until the Proprietary Committee notified the rebate proprietors that he was keeping faith, few of these would allow him his rebate. Although some of the proprietors may refuse to sell to him at any price, most of them will sell

at the listed price, and none of them are under any agreement prohibiting them to allow him the rebate if they prefer to do so.

#### ARGUMENT.

There are only two questions involved in this case:

*First.* Is it unlawful for a manufacturer to insist that his agent or vendee shall not share his commission with a purchaser, or in cases where the goods are not shipped on consignment, but are sold directly to a wholesale distributor, to insist upon his price being maintained and to offer a rebate as a consideration for maintaining it?

*Second.* If such contracts are valid, is it unlawful for the manufacturers, either individually or as a body, to unite in requesting a committee, as their agent, whom they can trust, to inform them of violations of this agreement by other agents or vendees?

#### FIRST QUESTION.

Is it unlawful for a manufacturer to insist that his agent or vendee shall not share his commission with a purchaser, or in cases where the goods are not shipped on consignment, but are sold directly to a wholesale distributor, to insist upon his price being maintained and to offer a rebate as a consideration for maintaining it?

There can be little doubt that the offer of a rebate or discount by the vendor of an article upon the condition that the vendee shall not resell below a certain price is lawful and that the vendee is not entitled to recover the rebate unless he complies with the terms upon which he has purchased.

The reason for this is very concisely given by the Supreme Court of Missouri in a recent case (Clark vs. Frank, 17 Mo. Ap., 602, 1885), where the plaintiff offered a rebate or draw-back to his customers provided *they would maintain* in the sale of his goods *his retail price*. The defendants having bought his goods from some other person, and sold them below the price fixed, attempted to obtain the rebate upon other goods that he had bought from the plaintiff and sold at proper prices, alleging that his agreement not to sell below the retail price so far as it applied to plaintiff's goods purchased from other dealers was in restraint of trade and, therefore, void.

The Court disposed of this objection in the following summary way: "We see no force in the argument that the agreement not



to sell the goods at less than the trade price was void as being in restraint of trade so far as it related to goods which might be purchased of other dealers.

"If it *were* void that fact would not help the defendants, for the plaintiff may choose to say that he would allow certain drawbacks upon the performance of certain conditions.

"Now, whether the condition is good or bad, the defendants not having performed it, cannot claim the drawback, for this would be to allow them not merely to reject so much of a contract as was void, but to make the plaintiff offer to do that which he never agreed to do."

The opinion of Jackson, Circuit Court Judge in the Circuit Court for the Western District of Ohio, *in re Greene*, 52 Federal Reporter, 104, contains a very full discussion of the common law principles which govern the construction of rebate contracts. In this case the Distilling and Cattle Feeding Company, controlling about seventy distillers, manufacturing about seventy-five per cent. of all distillery products manufactured in the United States, in selling their spirits at a certain price offer a rebate as an inducement not to undersell the vendor's distributing agents and upon condition of exclusive purchases from the company. In holding such an arrangement legal Judge Jackson makes the following comment:

"It is not alleged, nor is it to be inferred from anything that is set forth, that said purchasers bound themselves, or entered into any contractual obligations or understandings, to buy their distillery supplies exclusively from the distributing agents of said Distilling and Cattle Feeding Company. They were left at perfect liberty to purchase when, where or from whom they pleased. No contractual or other restraint was placed upon them. Upon certain conditions, which it was entirely optional with them to comply with or disregard, a rebate was promised by the seller. Such an arrangement does not amount to a contract to purchase exclusively from said Distilling Company or its distributing agents. *But suppose it did, there was nothing in such an agreement unlawful, or in contravention of the statute.*

The rebate promised, upon condition of exclusive purchases and *not underselling the vendor's distributing agents*, was a legitimate method of inducing trade; but the means thus employed in no way operated to prevent or restrain others from offering the same or greater inducements. The condition as to not selling at lower



prices than those of the distributing agents may have had a tendency to maintain prices, but that would not have been an attempt to monopolize trade. The inducements offered for the exclusive trade, and to sell at no lower prices than the price list of the distributing agents, was not prejudicial to the public. It was in no way contrary to public policy, or an unlawful restraint of trade."

In *Toledo, Wabash and Western Ry. Co. vs. Elliott* (1875), 76 Ill., p. 67, an agreement to allow a 5 per cent. drawback or rebate from the regular charge was held a valid contract, notwithstanding it was made by a Common Carrier and there was a statute forbidding unjust discrimination.

In the case of the *Mogul Steamship Co. Limited vs. McGregor, Gow & Co.*, L. R. 1892, App. C., p. 25, a rebate of 5 per cent. promised by a combination of common carriers to those who would deal exclusively with them was held valid.

And in *Fowle vs. Park*, the complainant in this case, 131 U. S., 88, the Supreme Court of the United States decided that a contract between the vendor and vendee of a proprietary medicine was valid, which provided that the medicine should not be sold below a certain price nor within a certain territory. There was no unilateral contract in this case. No conditions or terms upon the acceptance of which the rebate became due. It was a definite agreement to maintain a definite price which the Court enforced, saying through Fuller, C. J.:

"The vendors were entitled to sell to the best advantage, and in so doing to exercise the right to preclude themselves from entering into competition with those who purchased, and to prevent competition between purchasers, and the purchasers were entitled to such protection as was reasonably necessary for their benefit."

"The decree below was probably not rendered and cannot be sustained upon the theory that these contracts were in themselves invalid. It remains to be considered whether there is evidence tending to show that the defendants sold the balsam within the prohibited territory to those by whom TO THEIR KNOWLEDGE it was to be there sold or in any way promoted such sale.

"WE ARE OF OPINION THAT THE RECORD DISCLOSES VIOLATIONS OF THE CONTRACTS IN THESE PARTICULARS."

## SECOND QUESTION.

If such contracts are valid is it unlawful for the manufacturers either individually, or as a body, to unite in requesting a committee, as their agent, whom they can trust, to inform them of violations of this agreement by other agents or vendees?

If the rebate contracts between the manufacturers and their agents are valid, and it seems scarcely possible to seriously contend that they are not, the only remaining question in this case is, whether a notification of violation of these contracts by a committee of agents at the request of the proprietors whose contracts are violated is unlawful. It is to be observed that the affidavits and sworn answers of the defendants all coincide in averring that there was no agreement or understanding between the manufacturers as individuals or as a body and the members of the National Wholesale Druggists Association, either individually or as a body, relating to this rebate plan except the following, which is charged in complainant's bill as a conspiracy, but which the defendants not only admit but claim to be within their legal right, viz : the ascertaining of the names of agents who violate their contracts and the report of these names to the rebate proprietors who have asked for it. It can scarcely be contended seriously that a body of men whose interests are being jeopardized, if not ruined, by the violation of contracts which they are honestly keeping, may not report these violations to the person who alone has the power to insist upon their observance, and who alone has the power to offer protection to those who are faithfully observing their business contracts. Nay more, even if no injury were done to the druggists themselves it can hardly be considered a conspiracy or even an unlawful act to notify an individual who has asked for this notification or who believes from their relations to him that he is entitled to receive it, that his lawful contracts are being violated by one of his agents. The large mercantile agencies which play such an important part in business affairs are a mere recognition of the right of a business man to ask for and receive information from any source as to the standing and trustworthiness of those with whom he contemplates dealing. Any mistake or misinformation furnished by these agencies finds an ample remedy in a suit for damages, and the same is true of the present agency organized by the wholesale druggists for the protection of the manufacturer and to save their own business from destruction and ruin. It may be true that the information so furnished will injuriously affect the

plaintiff's business, but if his business actions are unlawful they should not merely be affected but totally suppressed. If the defendants have a right to furnish the information; if the person to whom they furnish it is free to act, and his lawful acts result in injury to the plaintiff, it is not injury to the plaintiff's lawful business, but to a business which he is seeking to build up through fraud and artifice.

Not only did the affidavits aver the absence of an agreement to act upon the information furnished, but a circular letter sent by the proprietary committee distinctly urges upon the manufacturers who received it the unfairness to honest dealers in permitting some agents to violate their contracts, and share the same benefits as those who kept their contracts. This alone negatives any idea of an agreement to act upon the report of the committee. It is true that every effort was made by the committee to represent to the manufacturers the injury that was done to honest dealers, who were compelled by the respective manufacturers to keep their contracts, in permitting others to violate their contracts with impunity; because no man can successfully conduct a business if his rivals violate the contracts which he is obliged to keep, and are permitted either by law or by public opinion to pursue this business in this way with impunity. It may perhaps be conceded that the reason why an agreement was not entered into or even a tacit understanding was because the obvious advantages to the proprietors was relied upon, as indeed it proved to be a sufficient inducement when all the facts were presented to them to secure from the honest dealers protections which they required. The demoralization and destruction of a proprietor's business by countenancing agents whose untrustworthiness was revealed, and whose efforts were being directed to destroy the smaller wholesale distributors who comprise the vast bulk of distributing agents for all the various manufacturers throughout the country, and the practical inability by reason of the enormous expense attending the individual effort of individual proprietors to ascertain violations or to check them so long as other manufacturers overlooked such dishonest practices, was a sufficient inducement to all the manufacturers whose trade was worth having, and who had any desire to deal only with honest men, to decline to grant to such agents the rebate or reward which was conditioned in all cases upon a faithful compliance with the manufacturers' contracts.

In spite of these averments of the defendants, sustained, as we think, by the most complete evidence, it may be claimed that there

was in fact an agreement between the manufacturers and wholesale druggists who comprise the organization to pay to those agents alone who have observed their contracts. Would such an alleged agreement be valid if in existence?

In the first place, it is to be noticed that such an alleged agreement would not be an agreement to coerce the plaintiffs or any one else into doing that which he should be left free to do or not to do as he might choose. But it is an agreement to compel him by the offer of a reward to do that which the law of the land requires him to do, and which he can only refuse to do by violation of that law. This is the discriminating feature which distinguishes the alleged agreement from the agreements which have been held unlawful or to be conspiracies at common law. It is not an agreement to force a man to break his contract, as in *Lumley vs. Gye*, 2 E. and B., 216, and *Bowen vs. Hall*, 6 Q. B. D., 333, but an agreement to offer a reward upon condition that he keeps it. Not only is this the course which every man would take who wished his terms of sale observed, whether he was obliged by contract or not, but under many circumstances his refusal to sell goods at any price might be demanded by law. For example, it would clearly not only be lawful for a brewer to agree not to sell beer to a man who is known to sell beer to children, but he could probably be held liable for any evil consequences that might ensue by reason of his failure to refuse to sell. No one is justified in selling goods to another with a knowledge that they are not to be used for a lawful purpose, and it can scarcely be contended that it would be against public policy to agree not to sell goods to any one for the purpose of enabling him to violate his lawful contract. To agree to sell goods to a man for the purpose of enabling him to commit a civil injury or tort is a criminal conspiracy; to agree to offer him a reward upon condition that he will not do so, would seem to be not only lawful, but highly commendable. Indeed, in Pennsylvania it has been held that a combination to cause a violation of law for the purpose of securing evidence to convict a man of a crime was not a conspiracy or an indictable offense. It is perfectly clear that this is not a boycott, for a boycott is a combination formed with the intention to compel the surrender of a right or to obtain obedience to a command, and to thus destroy one of the civil rights guaranteed by the law of the land. Here, however, the agreement, if such an agreement existed, would be to compel obedience to the law of the land, and to forbid and so far as possi-



ble prevent the violation of the unquestionable rights of others. Associations organized for the sole purpose of securing the enforcement of law have been recognized from the earliest times as most valuable aids to the enforcement of justice. Under a Government like ours the helpless would frequently be left defenceless were it not for such associations as those for the legal protection of working women, for the protection of children from cruelty, to secure the African his civil rights, and a host of others which need not be mentioned. Indeed, for over two hundred years associations to prosecute felons and even to put the law in force against political offenders have been held lawful and deserving of encouragement.

Independently, however, of any considerations as to whether or not such an agreement tends to secure the performance of contracts, let us consider whether such an agreement, no matter what the result might be, would not clearly be within the rights of the parties to it if made for the purpose of promoting their business interests.

The only other ground upon which the alleged agreement can be held invalid is the one upon which the plaintiff substantially found his entire case, viz., that it is an agreement injurious to trade or commerce, which is prohibited by Section 168, N. Y. Penal Code.

It is to be observed that this statute does not attempt to define what acts are injurious to trade or commerce, and is similar in this respect to statutes which have been passed by other states and to the Act of Congress on July 2, 1890. The omission in all of these acts to define what contracts are prejudicial to trade indicates that they refer to classes of cases already recognized as prejudicial to trade by the existing law, which it was the purpose of the Legislature to reinforce by penal legislation. Indeed, the cases which have arisen since the act was passed all turn upon the question whether the agreements were what are technically known as Contracts in Restraint of Trade. In every case we believe without exception the courts have discussed merely this one question, or cited other cases as authorities and precedents which turned upon the validity of contracts which were alleged to be in restraint of trade.

Let us, therefore, briefly call attention to the class of cases which have been held to be within the prohibition of the statute and then consider that other class of cases which admittedly oper-



ate as restraints upon the freedom of trade, but have nevertheless been held by the courts of this state to be valid, and have also been recognized as valid elsewhere in spite of similar legislation. Finally, let us see whether the alleged agreement of which plaintiff complains falls within either of these categories at all. Whether, in other words, it either restrains or regulates trade or commerce in an authorized or unauthorized way; whether it has anything more to do with trade than every human act may besaid indirectly to affect trade and commerce.

"It has long been settled," says Sanborn, C. J., in *Trans-Missouri Freight Association*, 58 Fed. Rep., 38, "that contracts or combinations of the producers or dealers in staple commodities of prime necessity to the people, to restrict or monopolize their supply or enhance their price, pooling contracts or combinations between such producers or dealers to divide their profits in certain fixed proportions, and pooling contracts or combinations between competing common carriers, are illegal restraints of trade, and void; while contracts or combinations between employers or workmen to fix and abide by certain prices for labor or services may be valid in their inception, but become illegal restraints of trade whenever the associations formed under them interfere with the freedom of those who are not members to refuse to abide by their prices, or to employ or to be employed at other rates, or whenever such associations undertake to prevent non-members from using their property or their labor as they see fit. The main purpose of contracts of these classes that are thus held illegal is to suppress, not simply to regulate, competition; and if suppression is not effected, it is because the contracts fail to accomplish their purpose. It is evident that there is a wide difference between such contracts and those the purpose of which is to so regulate competition that it may be fair, open and healthy, and whose restriction upon it is slight, and only that which is necessary to accomplish this purpose. It does not necessarily follow that contracts of the latter class constitute illegal restraints of trade because those of the former classes do."

In obedience to this principle, agreements have been held invalid by the New York Courts between competing dealers or manufacturers in coal, lard, sheep, sugar, harrows and wire-cloth, in which the parties have covenanted not to sell their own wares either below a price fixed in the agreement or authorized by it to be fixed by some other person or persons at a future time.

For example:

(a) *People vs. Sheldon*, 139 N. Y., 231,

Where an agreement among coal dealers fixing the selling price of coal was held to be indictable.

(b) *Leonard vs. Poole*, 114 N. Y., 378,

Where an agreement among dealers in lard not to sell below a fixed price was held invalid and disentitled the parties to an account between themselves.

(c) *Judd vs. Harrington*, 139 N. Y., 105,

Where an agreement among dealers not to sell and among butchers not to buy sheep below a certain fixed minimum price was held unenforceable in a suit between the parties.

(d) *Arnot vs. Pittston Coal Company*, 68 N. Y., 558,

Where an agreement between two competing coal companies, prohibiting one from selling in the territory of the other, was held unenforceable in a suit between the parties.

(e) *Dewitt, &c., vs. New Jersey, &c., Co.*, 14 N. Y. Suppl. 277,

Where an agreement among competing manufacturers of wire cloth, not to sell below a fixed price, was held invalid and disentitling the recovery of damages for a violation of the contract.

(f) *Strait vs. Harrow Company*, 18 N. Y. Supp., 224.

Where an agreement between all the manufacturers of harrows to simultaneously transfer their business to a corporation which should fix uniform prices and prohibiting the parties thereto from engaging in business for fifty years, was held invalid in a civil suit between the parties.

*Second.*—An agreement between competing common carriers fixing uniform rates or authorizing the rates to be fixed by some third person, as for example:

(a) *Hooker vs. Vandewater*, 4 Denio, 349,

Where an agreement between competing steamboats to fix uniform prices was held invalid in a suit between the parties.

(b) *Stanton vs. Allen*, 5 Denio, 435,

Where an agreement between competing proprietors of boats to permit a committee to fix uniform rates was held invalid, disen-

titling the holder of a promissory note given in pursuance of the agreement from recovering on it.

*Third.* An agreement among a number of competing purchasers that they will not purchase above a fixed price is, perhaps, invalid, as in the Milk Exchange case, 145 N. Y., 267, where a majority of the Court of Appeals, upon an application to dissolve a corporation, seemed to believe that such an agreement was invalid and in restraint of trade.

It will be seen that none of these cases are at all analogous, nor are the principles which are there invoked applicable to the alleged agreement in the case at bar. There is no agreement between the manufacturers of various proprietary remedies fixing a uniform price at which their respective goods shall be sold, nor yet allowing a committee of their own choosing, or chosen by any one else, to fix a price upon their respective goods. On the contrary, there is the sharpest possible competition between the manufacturers of proprietary articles, and every effort is made by each one to build up a trade at the expense of his rivals if possible. Every manufacturer has a different price for his own article, and is at liberty to change that price as often as he chooses, and to give away, if he wants to do so, the whole of his manufactured goods, without interference on the part of any one. Not only is the sharpest competition among the parties to such an alleged agreement permitted, but special inducements to increased energy and productiveness are offered in the additional security such an agreement would afford to property. It leaves each manufacturer free to dispose of his commodities in any way he sees fit and to make and change at will his contracts with his agents, regarding the price or terms on which he wishes his products to be sold; but it gives him some assurance that his lawful contracts will not be violated and himself subjected to endless expense and litigation in seeking to secure his legal rights.

Nor is there any agreement among the wholesale druggists that they will sell their respective wares at any fixed price, or at a price to be fixed by any committee of their number.

The alleged agreement merely tends to secure the protection of those who perform their contract against the unlawful competition of those who violate their contracts, by declining to give the latter the reward which is conditioned upon the faithful observance of lawful contracts.

When we turn from this class of cases in which contracts be-

tween the producers or dealers in staple commodities of prime necessity to the people to contracts which may incidentally restrict competition, but which have, nevertheless, been held valid both in New York and elsewhere, we see at once that the decisions are almost uniform in support of the law laid down by the Supreme Court of the United States in *Navigation Company vs. Windsor*, 20 Wall., 64, cited and approved in 10 N. Y., 241, "that an agreement which operates merely in partial restraint of trade is good provided it be not unreasonable and there be a consideration to support it." And Mathews, in his essay on covenants in restraint of trade, page 11, mentions some of the restraints which have been held reasonable, as follows: "It is possible for a trader to enter into a contract purporting to limit his freedom of action in any one of the following respects:

"For a certain limited radius.

"For a certain limited period.

"In respect of the manner in which he shall carry on his trade.

"In respect of certain classes of the inhabitants of a particular country or locality only; e. g., a merchant might covenant that he would only sell goods to wholesale dealers."

Therefore, in *Ewing vs. Johnston*, 34 Howard Pr., 202, the vendor of the good-will and business of a tobacco business was held bound by his covenant not to engage in the tobacco business over a certain route embracing many of the large cities of New York.

In *Dunlop vs. Gregory*, 10 N. Y., 241, a covenant by the vendor of competing boats was held valid, prohibiting him from running boats from New York upon the Hudson River.

In *Leslie vs. Lorillard*, 110 N. Y., 519, an agreement between competing boat owners that one should withdraw from competition in consideration of receiving from the other a certain monthly sum was held valid. Judge Gray saying, under the authority of *Diamond Match Company vs. Roeber*, "it may be said that no contracts are void as being in general restraint of trade when they operate simply to prevent a party from engaging in the same business" (p. 534).

*Diamond Match Co. vs. Roeber*, 106 N. Y., 473, decided that an agreement between the vendor and vendee upon the sale of the business of manufacturing matches was valid notwithstanding that it prohibited the vendor from competing with the vendee



for ninety-nine years in any part of the United States, except Nevada and Montana.

The whole doctrine of restraint of trade is very thoroughly discussed in this case by Andrews, Ch. J., who says in the course of his opinion: "We are not aware of any law which makes the motive of the covenantee the test of the validity of such a contract. On the contrary, we suppose a man may legally purchase the trade and business of another for the very purpose of preventing competition, and the validity of this contract if supported by a consideration, will depend upon its reasonableness between the parties. Combinations among producers to limit production and to enhance prices are or may be unlawful, but they stand on a different footing."

It will be observed that in these last three cases, as well as in the cases we are about to cite, the prohibition against competing trading was absolute. If, therefore, an absolute prohibition against trading is valid, *a fortiori* is it valid to permit trading and competition under certain regulations as to price? If the territory of a covenantee may be protected from competition of any sort on the part of the covenantor, it cannot be unlawful to allow competition upon terms that may be mutually agreed upon.

So, in England, where the doctrine of restraint of trade originated, and where it was most rigorously applied, even from the earliest time regulations of a trade by members engaged in it were held valid if they did not seem unreasonable to the judges; and a by-law of the Company of Surgeons requiring every apprentice to be learned in Latin before he should be allowed to join their society, without which he could not practice surgery, was held a reasonable regulation as far back as 1759 (2d Burr., 892). So a by-law compelling joiners to be members of the Joiners' Union was held valid by Lord Mansfield (in *Wenel vs. Chamberlain*, 1st Str., 675). "We are all of the opinion," said the Court, "that is a good by-law, being made in regulation to trade to prevent fraud and unskillfulness of which none but a company which exercised the same trade can be judges." And a by-law of the town of Durham, which imposed a fine upon any man admitted to membership in the Free Mason Guild, without having served an apprenticeship of seven years, was held valid by Lord Mansfield, who said, "This by-law is not against any law, it is not a restraint upon trade,



but seems a reasonable regulation to prevent persons being duly made free," etc. (1st Burr., page 131).

Coming down, however, to more recent times we have:

1829, *Wickens vs. Evans*, 3 Y. & J., 318.

Where three persons who carried on the trade of trunk and box makers and traveled by themselves and their servants into various parts of England, entered into an agreement to divide certain districts between themselves and not to interfere with the districts, cities, boroughs and towns by the agreement assigned to the others. Each agreed not to manufacture any goods for sale within the district assigned to the others, and not in any way to assist any one in competing with the others. Also not to purchase tea-chests at higher prices than specified in the agreement. The agreement also provided for mutual assistance and co-operation against their rivals.

Held, that the agreement was valid, as it contemplated a partial restraint of trade merely, and the agreement of each party was founded upon a sufficient consideration.

1851, *The Shrewsbury & Birmingham Railway Co. vs. The London & North Western Railway Co.* (21 L. J., Q. B., 89):

An agreement between three railway companies for the purpose of excluding competition upon a particular line of railway, and thus of keeping up their rates; held not invalid upon any ground of public policy. In *People vs. North River Refinery Co.*, 7 N. Y. Supp., 406, already quoted above, Judge Daniels refers to the preceding case, and those which follow in this language:

"A large class of cases has been cited and relied upon in support of the appeal permitting a limited division or mutual regulation of certain business interests, but they do not seem to be applicable to this controversy, for none of them maintain the validity of a combination or association made between corporations or individuals engaged in the production and sale of NECESSARY ARTICLES through which competition is to be avoided and the prices of such articles to the consumers are to be advanced," \* \*

And again: "The case of *Railroad Company against Railroad Company*, 6 H. L. C., 113, is not intended to be held by the Courts in which that case was examined, that an association of this description extending as it does from the Atlantic to the Pacific and

obviously designed to advance the *necessary commodities of life*, could be maintained." \* \* \* "The leading cases of Collins vs. Locke, Wickens vs. Evans, Association vs. Walsh, Marsh vs. Russell, Fowle vs. Park, Roller Co. vs. Cushman, are so diversified in their facts from the leading and controlling circumstances in this case as to be inapplicable to it."

Collins vs. Locke, 4 L. R. App. Cas., 674,

In this case a number of persons engaged in carrying on the business of stevedore in the Port of Melbourne divided up the business of stevedore among themselves, agreeing among other things, not to interfere with one another's customers. The Court decided that certain of the regulations were invalid, but held valid so much of the agreement as provided for the parcelling out of the stevedoring business amongst the parties to it and so prevent competition among themselves and perhaps also keep up the prices to be paid for the work.

United States vs. Trans-Missouri Freight Association et al.  
(58 Fed. Rep., 58):

In this case a contract between railroad companies forming a freight association that they will establish and maintain such rates, rules and regulations on freight, traffic between competitive points as a committee of their choosing shall recommend as reasonable, and providing that any member of the association may withdraw on a thirty days' notice, or modify its own rates after proper notice and upon complying with certain formalities, was held to be a contract tending to make competition fair and open, and to induce steadiness of rates and not to be in restraint of trade because the rates were reasonable.

Judge Shiras, who dissented in this case, admitted the correctness of the rule laid down by the Court, but denied the right of common carriers to enter into such an agreement.

Bohn Manufacturing Company vs. Hollis et al. (Supreme Court, Minnesota, July 20th, 1893), (55 N. W. Rep., page 1119):

A large number of retail lumber dealers formed a voluntary association, by which they mutually agreed that they would not deal with any manufacturer or wholesale dealer who should sell lumber directly to consumers, not dealers, at any point where a

member of the association was carrying on a retail yard, and provided in their by-laws that, whenever any wholesale dealer or manufacturer made any such sale their secretary should notify all the members of the fact. The plaintiff having made such a sale, the secretary threatened to send notice of the fact, as provided in the by-laws, to all the members of the association. Held, not actionable, and no ground for an injunction. The ground for this decision lay in the reasonableness of the restriction upon the members of the association. "It is conceded," says Judge Mitchell, "that retail lumber yards in the various cities, towns and villages are not only a public convenience, but a public necessity; also, that, to enable the owners to maintain these yards, they must sell their lumber at a reasonable profit. It also goes without saying that to have manufacturers or wholesale dealers sell at retail, directly to consumers, in the territory upon which the retail dealer depends for his customers, injuriously affects and demoralizes his trade. This is so well recognized as a rule of trade, in every department, that generally wholesale dealers refrain from selling at retail within the territory from which their customers obtain their trade. Now, when reduced to its ultimate analysis, all that the retail lumber dealers, in this case, have done is to form an association to protect themselves from sales by wholesale dealers or manufacturers, directly to consumers or other non-dealers, at points where a member of the association is engaged in the retail business. The means adopted to effect this object are simply these: They agree among themselves that they will not deal with any wholesale dealer or manufacturer who sells directly to consumers, not dealers, at a point where a member of the association is doing business, and provide for notice being given to all members whenever a wholesale dealer or manufacturer makes any such sale. That is the head and front of defendants' offense. It will be observed that defendants were not proposing to send notices to any one but the members of the association. True, the secretary, in accordance with section 3 of the by-laws, made a demand on plaintiff for 10 per cent. on the amount of the two sales. But this involved no element of coercion or intimidation, in the legal sense of those terms. *It was entirely optional with plaintiff whether it would pay or not.*

"If it valued the trade of the members of the association higher than that of non-dealers at the same points, it would probably conclude to pay; otherwise, not. It cannot be claimed that the

act of making this demand was actionable; much less that it constituted any ground for an injunction, and hence this matter may be laid entirely out of view.

Christiancy, J., in *Beal vs. Chase*, 31 Mich., p. 521, seems to entertain the same view as to what constitutes reasonableness, for he says: "The public is as much interested in the prosperity of the citizens in their various avocations as it can be in their competition. The latter may bring low prices to purchasers, but may also bring them so low that capital becomes unprofitable and business men fail, to the general injury of the community."

The New York Law Journal of November 13th, 1893, in commenting upon the decision in *Bohn Co. vs. Hollis*, *supra*, used the following language: "Certainly no combination to suppress competition, or in restraint of trade is more excusable than one by retailers to prevent the wholesalers from whom they purchase from underselling them in their own retail market. And it may be that combinations to regulate the price of commodities may within certain restricted and specially meritorious limits, ultimately come to be recognized as not unlawful in the same manner as limited combinations to regulate the price of labor, such as strikes not extending to boycotts."

*Mogul Steamship Company, Limited, vs. McGregor, Gow & Co.*, L. R. Appeal Cases, 1892, p. 25:

The owner of a number of ships, in order to secure trade exclusively for themselves, at profitable rates, formed an association, and agreed that the number of ships to be sent by members of the association, the division of cargoes, and freight to be demanded, should all be the subject of a joint regulation, and that a rebate of 5 per cent. should be allowed to all shippers who shipped exclusively with members. This agreement also provided for the dismissal of agents who might act in the interests of any competing steamship company. The House of Lords held this contract valid and sustained the refusal of the court below to grant an injunction and award damages at the suit of a rival who had been seriously injured by the combination. There was no dissenting voice, and there were seven opinions given by seven distinguished judges. The ground of the decision, which was arrived at after most exhaustive arguments by the most distinguished members of the English bar, was as follows:

*First*, There was no attempt to injure others except in so far as such injury would be the necessary result of the combination secur-



ing for themselves the benefit of the other's trade. "If this be unlawful it seems to me that the greater part of commercial dealings where there is rivalry in trade must be equally unlawful." (Lord Halsbury.)

*Second*, It is not illegal for a trader to aim at driving a competitor out of trade provided the motive be his own gain by the appropriation of that trade and the means he uses be lawful weapons.

*Third*, That the concerted action of a number of individuals for the same purpose is lawful.

Judge Patterson in *Dueber Watch Case Co. vs. Howard Watch Case Co.* (3 Misc., 532), distinguishes that case from the case of the *Mogul Steamship Company*, saying: "Here is no mere combination to drive a competitor from the market by simply exercising a legal right; the real basis of the action is that because plaintiff would not unite with defendants in doing an illegal thing, they confederated to ruin his business. There is not an appearance of a purpose on the part of the defendants *to increase their own business*, but *ONLY* to crush out a rival who would not join with them in an asserted illegal purpose."

The case at bar differs from all these we have cited in the following important features:

*First*, There was no agreement to fix a uniform price for the various goods sold by the manufacturers.

*Second*, There is no agreement to adopt a uniform rate.

*Third*, The purpose was to secure the performance of lawful contracts by those who had already entered into them, either expressly or by implication, in accepting goods upon the conditions mentioned in the price lists.

*Fourth*, The object is to prevent the destruction of the smaller dealers who observe their contracts by those who do not observe their contracts, and the consequent injury to the business of the manufacturer whose goods are sold.

*Fifth*, The opportunity to earn the rebate was open to all.

*Sixth*, Nothing could prevent a person from receiving it except his own violation of law.



Not a single important factor in the case at bar was absent from the above cases, yet the restrictions or restraints which were held valid in those cases were absent from ours.

Final and conclusive are the uniform decisions of both England and this country that secrets of art or trade are not within the purview of the rule against restraints of trade. These exceptions are allowed for the purpose of stimulating invention and genius (Freedman, Judge, in 48 N. Y. Sup. Court, 447), and the reason for it is briefly given by Mr. Justice James in *Cloth Company vs. Lorsont L. R.*, 9 Eq., 345, "Public Policy requires that every man shall be at liberty to work for himself and shall not be at liberty to deprive himself or the state of his labor, skill or talents by any contract that he enters into. On the other hand, public policy requires that when a man has by skill or by any other means obtained something which he wants to sell, he should be at liberty to sell it *in the most advantageous way in the market.*

Therefore in *Alcock vs. Giberton*, 5 Duer, 76, an unlimited agreement by the vendor of the good-will and secret process of manufacturing mineral teeth that he would neither carry on or be interested in the manufacture of such teeth was held to be a valid contract. In *McKinnon Fountain Pen Co. vs. Fountain Ink Co.*, 48 N. Y. Sup. Court, 443, an agreement was<sup>1</sup> held valid in which S. & B., the owners of the entire capital stock of a certain manufacturing corporation holding patents, that they would not engage in any business in opposition to the business of F. C. & C., to whom they sold the stock.

The case of *Fowle vs. Park*, 131 U. S., is a direct authority upon this point. Park, the complainant in this case, sold the right to manufacture and sell a proprietary medicine, and covenanted that he would not manufacture and sell the remedy below a certain price nor within a certain territory. Chief Justice Fuller, in sustaining the validity of this contract, uses the following language: "The vendors were entitled to sell to the best advantage, and in so doing to exercise the right to preclude themselves from entering into competition with those who purchased and to prevent competition between purchasers, and the purchasers were entitled to such protection as was reasonably necessary for their benefit. \* \* \* The policy of the law is to encourage useful discoveries by securing their fruits for those who make them.

For the same reason the rule does not apply to agreements relating to patent rights, for the policy of the law is to stimulate invention by giving exclusive rights to the inventor, and whatever profit he can make out of his monopoly is in accordance with the policy of the law, for as Peckham, J., explained in *Good vs. Deland*, 121 N. Y., "The owner does not possess his patent upon condition that he will make or vend the article patented or allow others to do so for a fair and reasonable compensation. \* \* \* He may refuse to make the patented article or refuse to allow any one else to do so on any terms. An owner might some time make more money by not manufacturing than by doing so, but of that question he is the sole and only judge." Therefore, in *Cushman vs. The Rolling Shade Co.*, 143 Mass., an agreement among a number of independent and competing manufacturers, under different patents of roller shades by which a uniform price was fixed for the sale of their shades and the market divided up between them was held valid in spite of the argument that competition between competing manufacturers even under patent rights was required by public policy.

So in *Bowling vs. Taylor*, 40 Fed. Rep., 404, an agreement between two rival manufacturers of patented corsets regulating the manufacturing and sale of their stays was held valid and not in restraint of trade. In *Strait vs. Harrow Co.*, 18 N. Y. Sup., 225, which may at first seem to be in conflict with these cases, the agreement was an agreement extending fifty years beyond the life of the patents and the Judge who rendered the decision said, "If these contracts were limited to the life of the patent the argument should not be dismissed without serious consideration."

In conclusion, in asking that the injunction be dissolved, we will call attention to the language of Judge O'Brien in *Dunlap's Cable News Co. vs. Stone*, 27 Abb. N. C., 28, "It may be upon the trial that the facts will warrant the granting to plaintiff of some relief, but 'an injunction being a harsh remedy will not be granted in the first instance except upon a clear *prima facie* case and upon positive averments of equity on which the application for relief is based.' That plaintiff will be injured by the enforcement of the by-law is indisputable, but this standing alone is not sufficient to warrant the issuance of a preliminary injunction."

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**Arguments of Counsel for N. W. D. A. at the Hearing.**

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**ARGUMENT OF MR. JAYNE.**

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If what Gen. Swayne says is true, and 98 per cent. of the druggists of this country have formed a combination to ruin this man because he does not do an illegal act, then we cannot come here in their behalf and ask your Honor to remove this injunction. I think that the course of justice would certainly miscarry if any court in this country should refuse to grant him redress under those circumstances. The answer denies all the allegations, making it unnecessary for me to go over them seriatim, and I will proceed immediately to state our side of the case, which I may be able to do with some confidence, as I have been connected with these matters as counsel seven, eight or nine years. Your Honor will see the distinction between the business that we are actually engaged in, and that which the plaintiff insists we are doing. The proprietors of patent medicines have been for seventy years in the habit of selling their goods in two ways: They send their goods directly to the apothecaries throughout the country—to a fixed number of them—the ownership of the goods remaining in the manufacturer, who pays for the breakage, pays the insurance, puts on every bottle the price of the bottle, and advertises in the papers and all over the world the price of his goods per bottle; this circulation informing the public of the price. He says to the apothecaries, "If you sell my goods at my price, I will give you a commission," 10 per cent. or whatever it is stipulated to be. (For instance, the Jayne firm has over ten thousand agents throughout the country who sell and receive a commission for selling the Jayne goods over the counter ) It became necessary, however, with the growth of business, especially as these men all advertise largely, to supply the large wholesale dealers, who would come to us and say, "Now we want goods in large quantities; we will pay you cash at once, and we want to distribute your goods where you have no agencies, or among our customers that we can control." Then the manufacturers would reply: "We will sell you those goods, but only on condition that you will agree not to resell them at a price which will compete with our thousands of agents in the country; for how can we sell our own goods through our agents and pay a commission, when our agents send us word that somebody is selling

those goods at a lower price?" The manufacturers, therefore, required their agent to promise that he would not share his commission with the purchaser (as that would break the price of their goods), and when they sold to a wholesaler, they required him to agree that he would not resell at a figure below the figure they placed upon the article, in order that he should not invade their own market. It was found that these agreements were observed quite generally. Mr. Jayne says that for thirty or forty years there was a sort of understanding, and it was a matter of honor, that no wholesaler should undersell a proprietor, and no manufacturer should undersell a wholesale agent. But after a while the wholesale agents began to compete, the one with the other, and agents would report, "We cannot sell these goods. You told us to sell them at a dollar, and people are buying from some other source at ninety cents. Do not send us your goods." The manufacturers found that the business they had built up was being seriously injured in this way, and they hit upon a plan called the "Rebate Plan," which is not peculiar to this trade, but is known to trade generally, that they would sell their goods at retail price to a wholesaler, and then at the end of six months or a year, upon his bringing a certificate that he had not undersold their price, they would give him a rebate equivalent to what they paid their own agents. Now, who does your Honor suppose was the man who got this up? The complainant. This N. W. D. A. was formed in '76, not for this specific purpose, but it was organized as a trade association, to protect trade interests, and we have affidavits to show that this complainant was the one to write and plead with the trade to adopt some method to protect agents who comply with their contracts, to resist the invasions of others who share their commission with the purchaser, and who thus undersell them. Not only did Mr. Park join in the request that this should be done, but he went further than this—he signed a guarantee that he would do those things himself, and, as Lord Bramwell said in the *Mogul Steamship* case, "It is always strange where a man who has been a party to an agreement comes in and attacks his associates, saying they are guilty of some criminal act;" and that is just what this complainant does.

THE COURT: For the protection of your action, you stand upon two things: First, the undoubted right of any manufacturer to place a price upon his own goods, and second, upon his



undoubted right, as you claim, to enforce the equality of price in the sale of those goods.

MR. JAYNE: That is exactly the position—of his own goods. It was found almost impossible to discover who were the men who would sign these agreements and then violate them. A given manufacturer could not trace, without enormous expense, the particular man who was breaking his contract and selling the goods. The result was that the manufacturers agreed to appoint a committee, called a Proprietary Committee, of agents whom they knew they could trust. They asked those agents to notify them of any well ascertained violation of contract by any agent who was under obligation to comply with those contracts. And I should say right here that the complainant has never been shut off in his supply of goods by any of our committee. Individuals, for individual motives, may have done so, but the organization has always been willing to let him have goods at retail price. It simply means that they will not give him the commission if he does not maintain the price. The manufacturers always sell goods, but will not give a commission until they get the proper certificate. They realize that if they make a mistake and say that a man has violated his contract, when he has not, they are liable for damages. They assume that responsibility, and they are willing to answer in damages for any mistake they may make. A circular is sent out saying that so-and-so has been discovered violating his contract, and then the proprietor refuses to pay him his commission, which is a commission upon the resale of those goods at the price that he has agreed to sell them for, and which the manufacturer must insist upon if he is not to have his business ruined. That is the substance of this whole case. I should say to Gen. Swayne that we have a letter among our affidavits, which I did not have the opportunity of exhibiting to the complainant's counsel, in which the complainant, after repeatedly violating his contracts, says: "Whereas, I have heretofore violated my contracts, I now pledge myself and the honor of my house that I will do so no more." He pledged his honor, yet was he not forsworn? I can give your Honor the original letter.

THE COURT: I do not care for the original; the printed copy is sufficient

MR. JAYNE: It may be thought that those are only incidental occasions. But they never observed a contract, and they were finally caught in this way: They sold a certain medicine to a man



and promised that they would not compete with him, but they promptly went into his territory. Their conduct was resented, and it was taken to the United States Court. It is a leading case. Chief Justice Fuller says the evidence discloses the fact that the plaintiffs wilfully and with knowledge violated their contracts with that man. There, in prominent and perpetual form, in a decision of the highest court in the land, is confirmation of the admission by these people that they have repeatedly violated their contracts. Now, we impose no penalty. There is no agreement, as General Swayne seems to think and as some of his papers seem to indicate, to cut him off. They are at liberty to do it or not, as they please. But it is obvious, I think, to your Honor that if a proprietor receives a note from his committee stating, "We have evidence that a party is violating his contract with you," the proprietor is not going to pay him a rebate which he pays to others who observe the term of sale. It is not a conspiracy, in any event. A conspiracy is defined to be an effort to make a man surrender a right that he has, or to do something that he ought not to be compelled to do. If this is a combination to effect any object, it is a combination to compel a man to keep his contract, and to say: "We will not give you this article if you do not keep your contract; if you keep your contract, you will get this as other people get it." The plaintiff wants us to discriminate in his favor. They want to be allowed to say to us: "You can sell your goods upon this rebate plan to other people and pay them commissions for observing their agreements, but when it comes to us, and we certify to you that we have adhered to your agreement, we expect you then to pay us the same commissions that you pay to those people who have performed the condition on which the rebate was promised."

General Swayne has alluded to one or two men who say that they were cut off because they supplied Park. The explanation is very simple. Those agents who are trusted, who are known in the trade to be responsible, are allowed by the proprietor to remit the price of the medicine, less the rebate. He does not require them to send the full amount of money. But in the case of Park, we require from him absolute proof, or he will not get his rebate. When the complainants found that they could not get both the goods and the rebate, they went around and employed different people to act for them. If your Honor will read the affidavits and the letters that the complainants themselves have put in evidence,

you will see that these people acted for Park. It would be said: "Here is a new firm that you can trust; send us the goods; we will sign the contract; let us have the rebate." Then they would turn around and hand the goods over to Park. But we said: "If we are not going to supply the J. D. Park Co. directly, unless they comply with our terms, at the rate that others get their medicines—that is to say, the rebate off—we will not deal with somebody else who is under contract with Park to turn the consignment over to him. We have an objection to people representing themselves as independent purchasers when they are nothing but mere agents of the complainant, under another name, thus getting our goods and the commission without complying with the conditions."

THE COURT: And the specific instances referred to by General Swayne are of that character?

MR. JAYNE: That is what I say, and I say that the letters referred to by him indicate that. For instance, such a remark as this would be made: "They are getting on to us; we will have to lay low; we will have to have the goods shipped to us by another name.—Innis & Co." In some instances these people actually signed contracts with us that they would not sell below the fixed price, when they were at the time under contract with Park, or in understanding with him, to ship these goods to him, showing doubly bad faith, in that they got goods under false pretense in order to ship them to Park. The discrimination was only shown when we knew that they were agents of Park and using a name to defeat the purpose of the Association. That is the whole of our case. If we have not a right to do that, we do not want to do it. We should like to have this thoroughly tested, because it means a great injury to the drug trade of the United States if a manufacturer is not authorized to sell his goods in this way—to appoint a committee to notify him of violations, and then to say to the violator, "We will not give you any rebate; we will sell you at the retail, and not at the wholesale, price until you show us that you are wholesalers and entitled to the rebate." I suppose it is not necessary to cite cases?

THE COURT: No. You have given me the key to the situation. I think this is a very intelligent way of presenting a case to the Court. You gentlemen have given me, in terse, concise language, the principles of the cases which you claim govern your respective

clients. Now I can read these papers with perfect clearness and understand them thoroughly.

MR. JAYNE: May I say one word more? In reading these affidavits, your Honor will bear in mind there are certain proprietors who, when they refused the complainant, wanted to pat him on the back and say, "We know you are a nice fellow; we should be glad to sell to you, but we want to stand well with our Association." The affidavits of others of them have also said the by-laws of the Association forbid it. The by-laws are in the complaint bill, and you can see there is nothing in them. We admit that the committee made every effort—

THE COURT: What you claim is that the Association, as a unit, is not responsible for individual action which goes beyond the plan of the Association?

MR. JAYNE: That is all I have to say.

#### ARGUMENT OF MR. JOHNSON.

I suppose that no one would contend at this late day that if a number of proprietors of different medicines were to combine among themselves to fix for one another the price of their articles that that could not stand. But if they were to attempt to injure somebody, or to blacklist him, or do any illegal act, such action would be condemned. The only testimony we have to support any allegation of malicious motive is very much like the old story of how the parson told the sexton, and so on, until the bell heard it. When you read the affidavits, you will find there is nothing in it. It will be seen on further reading that there is only an attempt on the part of each proprietor to regulate the price of his own commodity. There are various specifics, and wherever these specifics are supposed to cure some ill of human nature, these people compete among themselves to the utmost. One man will assure the public that what he sells is bound to cure, and what the other man sells is bound to harm, and this is done with the utmost competition. You will be convinced when you read these papers that there is not the slightest attempt by any one proprietor to fix, either the price at which another proprietor sells, or the discount, or anything else; but each proprietor for himself wishes to assert the right to fix the price of the article that he himself manufactures. It is too late in the day to argue that that is not perfectly legal. The man who manufactures may maintain his own prices, because he need not sell at all, and, of course, he may main-

tain his own price when he sells to some man as against somebody else whom he wants to reach directly; therefore, I do not believe it will be seriously contested, if the plan is one by which the proprietor seeks to prevent the ruin of his business, that it is perfectly legal. That plan may be carried out in a legal way. The way we do is this: There is a system of detection arranged for the purpose of ascertaining whether or not the man has broken his pledge. This complainant is a living example of what is done against which we have to contend. He has broken his pledge twice, and, of course, the man who breaks his pledge will do the other thing. He starts a plan and gets other people into it, and then, having them all in (some of them have a conscience and do what they agree to do), if he can be permitted to give it up, and get the Court to help him—have them bound not to cut the price, and then he cut and reduce his price—he has a pretty nice business, and the Court will be aiding him in it. Now these proprietors know there are other men like that, and they would soon be compelled to pay a commission upon the mere assertion that the promise had been kept, and it would be paid to those who are not entitled to it. If they are entitled to fix their own price are they not entitled to take intelligent business means of ascertaining whether a man does or does not keep his promise? And if they find that he does not keep it, notwithstanding the fact that he says he does, have they not the right to enforce what he has agreed to do? Of course, no one firm or individual could afford to bear the expense of a system that would extend through the length and breadth of this land. They, therefore, combine and adopt a detective system, and where one man sells twenty and thirty different medicines, it will cost no more to detect an offense against one than against another.

THE COURT: Your claim is that the individuals combine, first, to obtain a detection; second, to refrain from issuing to the violator of the rules of the proprietary medicines?

MR. JOHNSON: The agreement does not go that far, but, in point of fact, they do so without any binding agreement, when they learn that such a thing is done. I am, therefore, trying to determine this alleged offense, not upon mere words, but upon the substance of the thing done. Any one man, when he is told that Park is cutting everybody else, if he sees fit, may go and sell to him. He does not violate any agreement that he has entered into.



But when he learned such a fact, he would be a fool not to act upon it—and you get the result.

THE COURT: Yes, the clouds would be apt to gather around him.

MR. JOHNSON: Now, is there anything illegal in a number of people, each interested for himself, adopting a method to find out whether they are injured or cheated by somebody else with whom they have a contract as to the sale of their goods? The next thing is, what is done with a man found lying? No one would pretend for a moment that the one who has been cheated might not say to the one that has violated his promise and forfeited his right to a commission, "I do not propose to give you a commission that you did not earn. You have cheated me once, and I do not propose you shall have a chance to cheat me again." And it comes down to this—whether it is illegal for these proprietors to say that thereafter they will not trust such a man? He can still get his goods at the retail price. He simply cannot get a commission which he is only entitled to get if he keeps the agreement into which he has entered, but which he has preferred to break. We have here a case in which I do not believe it can be contended with any force, and certainly with any citation of authority, that the thing complained of is in itself illegal. There is nothing more here than an effort for every manufacturer to make sure that the bargain is kept.

THE COURT: It is undoubtedly lawful for any number of manufacturers or vendors to league together that they will not sell to any one who cheats any one of their number.

MR. JOHNSON: Given the agreement, that is all the plaintiff can make of this case.

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### **Copy of Judge Russell's Decree, Entered October 12, 1896.**

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John D. Park & Sons Company vs. National Wholesale Druggists Association and Others.

It is ordered as follows, namely:

The defendants are enjoined from conspiring or combining together or with any other person or persons to prevent the plaintiff from freely purchasing proprietary drugs and medicines and other



goods, or from freely selling proprietary drugs and medicines or other goods to persons who may desire to purchase, and are enjoined from suffering such acts to be done by or through any agency within their control. *But the defendants are not enjoined from obtaining or imparting information as to the manner in which the plaintiff conducts his business, or any violation of any agreement with any specific manufacturer or wholesale dealer, and are not enjoined from making any agreement with the plaintiff or any other person fixing the price of sale of the particular line of goods manufactured or sold by the defendant making such sale.*

And it is further ordered that the injunction heretofore granted in this action be continued in the respects directed by this order, *and in all other respects to be vacated.*

Accompanying the above Decree, the Judge filed the following memorandum, viz:

A careful consideration of this case, as presented by the affidavits and papers used upon the motion for an injunction, led to the decision announced in my previous memorandum. There were so many difficulties in the way of specifying in detail precise acts, which justify a continuance of any portion of the original injunction, with the different degrees of responsibility of various of the defendants for acts done or suffered that this determined the use of the general language of the injunction order to be signed, and the argument upon the application for a settlement of the order confirmed my previous views. It is a case where the exact responsibility of each defendant can only be satisfactorily determined upon the trial, and that trial may demonstrate that a large number of the defendants are not responsible for any wrong done to the plaintiff. If no act of the injury of the plaintiff is done hereafter, pending litigation, the order of injunction will act as a deterrent, if one was needed, and if any act within the terms of the order be done which does injure the plaintiff, the precise extent of the responsibility of the wrongdoer may be determined by proper proceedings instituted for that purpose.

The order as signed being partially drafted by myself, is as effective and specific as I think it should be made at this stage of the case. No costs are granted because on such a motion only the sum of ten dollars may be awarded, and the injunction is not continued in force with the scope of its original terms.

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REGISTER OF MEMBERS.

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Allen, F. W., Detroit White Lead Works, Detroit.  
Allen, George H., Paris Allen & Co., New York.  
Althaus, W. J., Anheuser-Busch Company, St. Louis.  
Aschenbach, F., Aschenbach & Miller, Philadelphia.  
Allison, W. O., Oil, Paint and Drug Reporter, New York.  
Bindschadler, E., J. S. Merrill Drug Company, St. Louis.  
Busch, Henry P., Shoemaker & Busch, Philadelphia.  
Battle, C. A., Battle & Co., St. Louis.  
Billings, E. F., Billings, Clapp & Co., Boston.  
Brinsome, D. E., Johnson & Johnson, New Brunswick.  
Bruen, Albert, Bruen, Ritchy & Co., New York.  
Blanding, W. O., Blanding & Blanding, Providence, R. I.  
Black, F., C. Pfeizer & Co., New York.  
Bower, George B., J. C. Ayer Co., Lowell.  
Brucker, Carl, Fritzsche Bros., New York.  
Benjamin, I. J., American Druggist, New York.  
Case, W. T., Boehringer & Soehne, New York.  
Calhoun, F. S., F. S. Calhoun & Co., New Haven.  
Carter, F. L., Carter, Carter & Kilham, Boston.  
Cook, Thomas P., New York Quinine and Chemical Company,  
Limited, New York.  
Carragan, S. H., Parke, Davis & Co., New York.  
Cook, Charles, Cook, Everett & Pennell, Portland, Maine.  
Coffin, I. S., Coffin, Reddington & Co., New York.  
Cheers, H. R., William R. Warner & Co., New Orleans.  
Curie, Capt., New York.  
Cowan, D. M., Plympton, Cowan & Co., Buffalo.  
Clafin, A. W., George S. Clafin, Providence, R. I.  
Cressler, D. W., Birks Medicine Company, Chicago.  
Cox, J. W., Antikamnia Company, New York.  
Cheney, C. W., Doliber, Goodale & Co., Boston.  
Curtus, T. M., Stallman & Fulton, New York.  
Doyle, Edw. H., McIlvaine Bros., Philadelphia.  
Derby, E. C., W. A. Gill & Co., Columbus.  
Dodge, F. E., Dodge & Olcott, New York.

- 
- Douglas, W. S., Ladd & Coffin, New York.  
Davis, James E., Williams, Davis, Brooks & Co., Detroit.  
Doliber, Thomas, Doliber, Goodale & Co., Boston.  
Dohme, Alfred R. L., Sharp & Dohme, Baltimore.  
Dawley, E. R., Hunt's Remedy Company, Providence.  
Dulaney, H. S., C. A. Vogeler Company, Baltimore.  
Dodge, F. E., Dodge & Olcott, New York.  
Ewald, Otto, Fischer & Ewald, New York.  
Emery, Jno. H., Burrough Bros., Baltimore.  
Eliel J. C., Lyman-Eliel Drug Company, Minneapolis.  
Fox, J. C., McPike & Fox, Atchison.  
Fuller, G. A., Ed. Pinaud, New York.  
Fine, T. Oliver, Pfister Ptg. Company, Philadelphia.  
Frisbie, E. C., Talcott, Frisbie & Co., Hartford.  
Fulford, G. T., G. T. Fulford & Co., Brockville, Ont.  
Fritzsche, K., Fritzsche Bros, New York.  
Fitch, E. W., Parke, Davis & Co., Detroit.  
Faris, W. D., H. J. Baker & Bro., New York.  
Fuller, Ralph L., Cleveland Commercial Company, Cleveland, Ohio.  
Faxon, Frank A., Woodward, Faxon & Co, Kansas City.  
Gerity, W. S., Gerity Bros., Elmira.  
Gilpin, H. B., Gilpin, Langdon & Co., Baltimore.  
Good, Brent, Carter Medicine Company, New York.  
Good, Harry, Carter Medicine Company, New York.  
Goodwin, C. C., George C. Goodwin & Co., Boston.  
Griffiths, Charles W., Herf & Frerichs, St. Louis.  
Goodwin, Harry W., H. W. Goodwin, Boston.  
Gilman, John A., Gilman Bros., Boston.  
Gordon, W. J. M., W. J. M. Gordon Chemical Company, Cincinnati.  
Hires, Charles E., Charles E. Hires Company, Philadelphia.  
Holman, James H., Eli Lilly & Co., Indianapolis.  
Hance, E. H., Hance Bros. & White, Philadelphia.  
Hazeltine, Dr. Charles S., Hazeltine, Perkins & Co., Grand Rapids.  
Henry, Frank S., Hall & Ruckel, New York.  
Hubbard, Charles, Charles Hubbard, Son & Co., Syracuse.  
Hover, W. A., W. A. Hover & Co., Denver.  
Hughey, William M., Florida Wine Company, Philadelphia.  
Haley, Thomas P. Jr., Peacock Chemical Company, St. Louis.  
Hanson, W. T., W. T. Hanson Company, Schenectady.  
Hinds, A. S., A. S. Hinds, Portland, Me.  
Heyer, George W., L. J. McClosky & Co., Philadelphia.

Himrod, F. E., Himrod Mfg. Company, New York.  
Horner, James B., James B. Horner, New York.  
Hazeltime, E. T., Piso's Cure, Warren, Pa.  
Houghtaling, C. S., New York.  
Haynes, D. O., Pharmaceutical Era, New York.  
Hillier, Geo. R., R. Hillier's Sons Company, New York.  
Hursey, T. J., S. V. & F. P. Scudder, Brooklyn.  
James, Dr. F. L., National Druggist, St. Louis.  
Johnson, R. W., Johnson & Johnson, New Brunswick.  
Jones, F. R., J. Elwood Lee Company, Philadelphia.  
Kay, F. B., Detroit Lead Works, Detroit.  
Keenan, Thomas J., American Druggist, New York.  
Kelly, George A., George A. Kelly Company, Pittsburg.  
Kelly, S. R., George A. Kelly Co., Pittsburg.  
Knight, John C., Hunt's Remedy Company, Providence.  
Leeming, Joseph, Thomas Leeming & Co., New York.  
Lance, P. R., W. R. Warner & Co., Philadelphia.  
Littell, Charles, R. W. Robinson & Son, New York.  
Loring, Abbott, Loring & Co., Boston.  
Lyman, Arthur, Lyman, Sons & Co., Montreal.  
Lyman, F. G., Lyman, Knox & Co., Montreal.  
Lyman, Charles, Lyman, Knox & Co., Montreal.  
Lloyd, N. Ashley, Lloyd Bros. & Co., Cincinnati.  
Merrill, George, W. S. Merrill Chemical Company, Cincinnati.  
Martin, H. D., Mallinckrodt Chemical Company, St. Louis.  
Martin, Gustav, Merck & Co., New York.  
Meyer, C. F. G., Meyer Bros. Drug Company, St. Louis.  
Murray, A. F., Murray & Nichol, Chicago.  
Main, T. F., Tarrant & Co., New York.  
Mulford, L. E., The Brandreth Company, New York.  
Morrison, A. C., Pabst Brewing Company, Milwaukee.  
Minor, G. G., Owens & Minor Drug Company, Richmond.  
Minor, G. G., Jr., Owens & Minor Drug Company, Richmond.  
Moore, F. C., R. Hillier's Sons Co., New York.  
Miller, C. C., Burlington Drug Co., Burlington, Iowa.  
Merriam, A. B., secretary, Minneapolis.  
Meyer, F. G., Meyer Bros. & Co., New York.  
Muth, George L., Muth Bros. & Co., Baltimore.  
Murdoch, A. C., J. N. Murdoch, Parkersburg.  
Miles, Henry, Leeming, Miles & Co., Montreal.  
Myers, Daniel, Benton, Myers & Co., Cleveland.

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Morse, F. P., A. L. Hummell Agency, New York.  
McKinley, D. H., Philadelphia.  
McCloskey, L. J., L. J. McCloskey & Co., Philadelphia.  
McKim, Anson, Lyman, Knox & Co., Montreal.  
Nelson, E. H., Nelson Baker & Co., Detroit.  
Newman, George A., Fig Syrup Company, Louisville.  
Noyes, D. R., Noyes Bros. & Cutler, St. Paul.  
Olcott, Geo. M., Dodge & Olcott, New York.  
Odena, F. M., Parke. Davis & Co., Detroit.  
Osgood, H. H., Lee & Osgood, Norwich.  
Peek, Thomas C., H. J. Lamar & Sons, Macon.  
Phinny, S. G., Johnson & Johnson, New Brunswick.  
Price, J. D., Orr, Brown & Price, Columbus. Ohio.  
Pierce, V. Mott, World's Dispensary, Buffalo.  
Pierce, Dr. R. V., World's Dispensary, Buffalo, N. Y.  
Perry, F. B., Powers & Weightman, Chicago.  
Pinkham, C. H., Pinkham Medicine Company, Lynn, Mass.  
Pope, L. L., Lawrence, Williams & Co., Cleveland.  
Powers, R. W., Powers-Taylor Drug Company, Richmond.  
Purcell, J. B., Purcell, Ladd & Co., Richmond.  
Peter, M. C., Arthur Peter & Co., Louisville.  
Peters, John M., Oil, Paint and Drug Reporter, New York.  
Polk, C. F., Polk & Calder Drug Company, Troy.  
Queen, R. E., Fig Syrup Company. San Francisco.  
Richardson, R. L., Rust & Richardson Drug Company, Pittsburg.  
Robinson, W. A., Robinson-Pettet Company, Louisville.  
Robinson, R. A., Louisville.  
Remington, R. R., Remington Bros., New York.  
Rogers, Andrew B., Rogers & Pyatt, New York.  
Raser, Jno. B., Jno. B. Raser, Reading.  
Shedd, F. B., E. W. Hoyt & Co., Lowell.  
Sickelsteil, G. F., Jr., W. J. Gilmore & Co., Pittsburg.  
Smyth, George M., J. M. Maris & Co., Philadelphia.  
Smith, Howard E., V. H. Smith & Co., Philadelphia.  
Smith, R. B., Hance Bros. & White, Philadelphia.  
Smith, W. P., D. E. Green & Co., New York.  
Smith, James A., Allaire, Woodward & Co., Peoria.  
Snow, Charles W., C. W. Snow & Co., Syracuse.  
Solomon, I. A., Solomon & Co., Savannah.  
Strong, S. E., Strong, Cobb & Co., Cleveland.  
Scott, William, Daniel Stewart Co., Indianapolis.

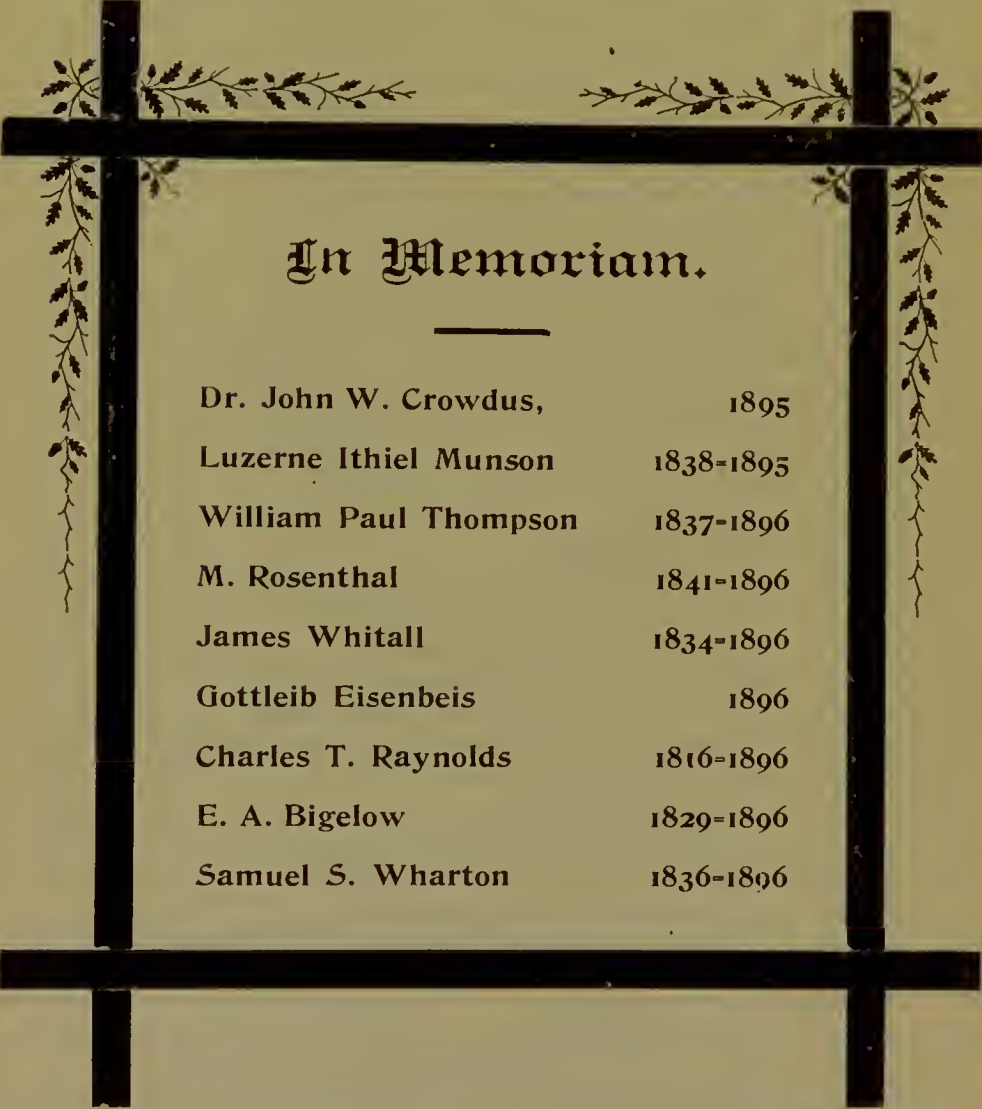


- Schneider, Fred, Schneider & Irving, Troy.  
Starin, Harry G., Jno. Wyeth & Bro., Philadelphia.  
Schiffman, Dr. R., R. Schiffman, St. Paul.  
Stone, C. G., Doliber, Goodale & Co., Boston.  
Tate, Samuel S., J. G. Tate's Sons, Philadelphia.  
Thompson, William B., Jno. Wyeth & Bro., Philadelphia.  
Talbot, W. A., Piso Company, Warren, Pa.  
Taylor, Robert, Philadelphia.  
Timolat, Jno. G., New York.  
Thayer, Jno. Adams, Ladies' Home Journal, Philadelphia.  
Utward, Emil, Ed. Pinaud, New York.  
Upjohn, F. L., Upjohn Pill & Granule Company, New York.  
Wissman, Paul, William F. Simes & Co., Philadelphia.  
Waters, W. H., Philadelphia.  
Walding, W. J., Walding, Kinnan & Marvin, Toledo.  
Wells, L. D., M. N. Packard Company, New York.  
Weller, C. F., Richardson Drug Company, Omaha.  
Wright, B. S., Jeff Glass Company, Philadelphia.  
Winkelman, H. C., Winkelman-Brown Drug Company, Baltimore.  
Wells, E. G., C. N. Crittenton Company, New York.  
Watkins, J. W., Ladd & Coffin, New York.  
Wright, George C., Mallinckrodt Chemical Company, St. Louis.  
Wilson, A. B., George Leuders & Co., Philadelphia.  
Walker, W. J., Walker & Gibson, Albany.  
West, C. A., West & Jenney, Boston.  
Whittlesey, Charles W., C. W. Whittlesey & Co., New Haven.  
Warren, William M., Parke, Davis & Co., Detroit.  
Williams, A. H., A. H. Williams & Co., Utica.  
White, W. W., Roessler & Hasslacher, New York.  
West, C. H., Moffit-West Drug Co., St. Louis.  
Whiting, J. E., Grasselli Chemical Company, Cleveland.  
Wyeth, Stuart, Jno. Wyeth & Bro., Philadelphia.  
Weicker, Theo., Merck & Co., New York.  
Yakel, Louis, Kohler Mfg. Company, Baltimore.  
Bending, E. B., Harrison Bros. & Co., Philadelphia.  
Ingersoll, William A., Charles E. Hires & Co., Philadelphia.  
Baird, J. M., Jr., Charles E. Hires & Co., Philadelphia.  
McClure, L. D., Charles E. Hires & Co., Philadelphia.  
French, Harry B., Smith, Kline & French Company, Philadelphia.  
Kline, M. N., Smith, Kline & French Company, Philadelphia.  
Roller, James C., Smith, Kline & French Company, Philadelphia.

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Coombs, R. D., Smith, Kline & French Company, Philadelphia.  
Thompson, C. S., Smith, Kline & French Company, Philadelphia.  
Shoemaker, Clayton F., Shoemaker & Busch, Philadelphia.  
Busch, Miers, Shoemaker & Busch, Philadelphia.  
Fredericks, John E., Charles Lippincott & Co., Philadelphia.  
Wyeth, Frank H., Jno. Wyeth Bro., Philadelphia.  
Dobbins, E. T., Jno. Wyeth Bro., Philadelphia.  
Sailer, W. A., Jno. Wyeth Bro., Philadelphia.  
Lee, C. B., J. Elwood Lee Company, Philadelphia.  
Warner, W. R., W. R. Warner & Co., Philadelphia.  
Warner, W. R., Jr., W. R. Warner & Company, Philadelphia.  
Warner, Charles S., W. R. Warner Company, Philadelphia.  
Smith, Walter, V., V. H. Smith & Co., Philadelphia.  
Morris, Leonard G., V. H. Smith & Co., Philadelphia.  
Wiltberger, D. S., Jr., D. S. Wiltberger, Philadelphia.  
Mellor, Alfred, Mellor & Rittenhouse, Philadelphia.  
Jefferies, J. B., Jefferies Glass Works, Philadelphia.  
Hunt, E. R., Philadelphia.  
Longstreth, Jno. L., Samuel H. French & Co., Philadelphia.  
Rosengarten, M. G., Rosengarten & Sons, Philadelphia.  
Rosengarten, F. H., Rosengarten & Son, Philadelphia.  
Rosengarten, Adolph, Rosengarten & Son, Philadelphia.  
Wright, Jno. A., A. W. Wright & Co., Philadelphia.  
Moore, Jno., Barker, Moore & Mein, Philadelphia.  
Voorheis, C. C., G. G. Green, Woodbury, N. J.  
Green, G. G., G. G. Green, Woodbury, N. J.  
Whitney, J. P., Whitney Glass Works, Philadelphia.  
Macleod, R. B., Whitney Glass Works, Philadelphia.  
Butler, H. C., Johnston, Holloway & Co., Philadelphia.  
Miller, Dr. Adolph, Aschenbach & Miller, Philadelphia.  
Douglass, William G., Dr. J. H. Schenck & Son, Philadelphia.  
Fine, Isaac, Feister Printing Company, Philadelphia.  
Lind, W. P., Schandein & Lind, Philadelphia.  
Edlinger, Carl, Fred Graef Company, Philadelphia.  
Holdenstein, I., Philadelphia.  
Mulford, H. K., H. K. Mulford Company, Philadelphia.  
Parke, Albert H., H. B. Benners, Philadelphia.  
Beale, Ed. F., Jno. T. Lewis & Bros. Company, Philadelphia.  
Jones, Woodruff, Jno. T. Lewis & Bros. Company, Philadelphia.  
Armstrong, Theo., Pennsylvania Salt Manufacturing Company,  
Philadelphia.

Falls, Ben F., Whital, Tatum & Co., Philadelphia.  
Garrigues, Ed. B., Whital, Tatum & Co., Philadelphia.  
Trommer, Fred. W., Henry Trommer, Philadelphia.  
Plumly, George W., George W. Plumly Company, Philadelphia.  
Maris, Hy. S., Jno. M. Maris & Co., Philadelphia.  
Maris, Theo., Jno. M. Maris & Co., Philadelphia.  
Bower, W. H., Bower Ammonia Company, Philadelphia.  
Malcolm, A., A. Colburn Company, Philadelphia.  
Hastings, H. O., Hastings & Co., Philadelphia.  
Simes, W. Lane, W. F. Simes & Co., Philadelphia.  
Walker, R. J. C., Powers & Weightman, Philadelphia.  
Jones, C. I., Powers & Weightman, Philadelphia.  
Sailer, Frank, Powers & Weightman, Philadelphia.  
Hoopes, A. W., Powers & Weightman, Philadelphia.  
Farr, James M., Powers & Weightman, Philadelphia.  
Hance, James C., Hance Bros. & White, Philadelphia.  
Hance, A. M., Hance Bros. & White, Philadelphia.  
Hance, E. H., Jr., Hance Bros. & White, Philadelphia.  
McIlvaine, H. C., McIlvaine Bros., Philadelphia.  
McIlvaine, A. R., McIlvaine Bros., Philadelphia.  
McKinley, W. S., Philadelphia.  
Kessler, George A., Kessler, Behringer & Co., New York.  
Elzas, S. L., Kessler, Behringer & Co., New York.  
Zeilin, C. B., J. H. Zeilin & Co., Philadelphia.  
Mattison, Dr. R. V., Keasby & Mattison, Philadelphia.  
Everham, H. B., Keasby & Mattison, Philadelphia.  
McDaniels, William, Jr., Keasby & Mattison, Philadelphia.  
Hessenbruch, H., Philadelphia.  
Campion, J. W., Philadelphia.  
Taite, Benj. G., J. G. Taite's Sons, Philadelphia.  
Thompson, Ed. S., F. De Bary & Co., New York.  
Dobbs, W. G., Jno. Lucas & Co., Philadelphia.  
Shoemaker, Richard M., Robert Shoemaker & Co., Philadelphia.  
Dixon, John, Philadelphia.  
Munyon, J. M., Philadelphia.  
McCann, Jno. A., Philadelphia.  
Jayne, Elen C., Dr. D. Jayne & Son, Philadelphia.  
Sharpe, H. M., Dr. D. Jayne & Son, Philadelphia.  
Stretch, Wesley, Dr. D. Jayne & Son, Philadelphia.  
Jayne, Dr. H. W., Barrett Manufacturing Company, Philadelphia.  
Brill, W. N., Boshart & Wilson, Philadelphia.



## In Memoriam.

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|                       |           |
|-----------------------|-----------|
| Dr. John W. Crowdus,  | 1895      |
| Luzerne Ithiel Munson | 1838-1895 |
| William Paul Thompson | 1837-1896 |
| M. Rosenthal          | 1841-1896 |
| James Whittall        | 1834-1896 |
| Gottlieb Eisenbeis    | 1896      |
| Charles T. Raynolds   | 1816-1896 |
| E. A. Bigelow         | 1829-1896 |
| Samuel S. Wharton     | 1836-1896 |

## DECEASED MEMBERS

From Organization of the Western Wholesale Drug  
Association, 1876 to 1897.

|                                | Elective Decease |
|--------------------------------|------------------|
| Allen, Alfred F., . . . . .    | 1876-1884        |
| Ayer, James C., . . . . .      | 1883-1878        |
| Billings, Chas. E., . . . . .  | 1878-1892        |
| Blanding, Wm. B., . . . . .    | 1879-1892        |
| Browning, Robert, . . . . .    | 1876-1891        |
| Bruen, Oscar H., . . . . .     | 1887-1892        |
| Button, Henry H., . . . . .    | 1876-1889        |
| Bodeker, Henry, . . . . .      | 1887-1889        |
| Braker, Conrad, Jr., . . . . . | 1883-1890        |
| Brown, William H., . . . . .   | 1882-1889        |
| Bedford, Peter W., . . . . .   | 1883-1892        |
| Boehringer, E., . . . . .      | 1885-1892        |
| Bennett, Joseph S., . . . . .  | 1878-1892        |
| Burnett, Joseph, . . . . .     | 1885-1894        |
| Burroughs, S. M., . . . . .    | 1893-1895        |
| Bradfield, Josiah, . . . . .   | 1883-1885        |
| Bigelow, E. A., . . . . .      | 1883-1896        |
| Bowen, Henry, . . . . .        | 1885-1896        |
| Crenshaw, Edmund A., . . . . . | 1882-1894        |



|                                 | Elective Decease |
|---------------------------------|------------------|
| Cobb, Ahira, . . . . .          | 1876-1882        |
| Cutler, Wm. J., . . . . .       | 1883-1894        |
| Cutler, Waldo E., . . . . .     | 1883-1896        |
| Carter, Solomon, . . . . .      | 1883-1892        |
| Cowee, David, . . . . .         | 1883-1887        |
| Crockett, J. Henry, . . . . .   | 1883-1891        |
| Demoville, J. F. . . . .        | 1878-1884        |
| Dodge, Richard J., . . . . .    | 1883-1891        |
| Dick, Dundas, . . . . .         | 1885-1892        |
| Drake, P. H., . . . . .         | 1882-1882        |
| Dodge, James M., . . . . .      | 1884-1887        |
| Damon, Albert F., . . . . .     | 1885-1887        |
| DeGolyer, Joseph, . . . . .     | 1883-1888        |
| Devoe, F. W., . . . . .         | 1883-1896        |
| Edgerly, J. W., . . . . .       | 1888-1894        |
| Erhart, Charles F., . . . . .   | 1878-1871        |
| Eisenbeis, G., . . . . .        | 1885-1896        |
| Fahnestock, B. L., . . . . .    | 1876             |
| Fisher, Alonzo G., . . . . .    | 1885-1895        |
| Fougera, Charles E., . . . . .  | 1882-1889        |
| French, Clayton, . . . . .      | 1883-1889        |
| Farrand, Jacob S., . . . . .    | 1876-1891        |
| Fritzsche, Paul T., . . . . .   | 1883-1886        |
| French, William B., . . . . .   | 1883-1892        |
| Fraser, Edward A., . . . . .    | 1884-1890        |
| Gellatly, William A., . . . . . | 1882-1885        |
| Goodman, Chas. F., . . . . .    | 1877-1895        |
| Gridley, Junius, . . . . .      | 1885-1886        |

|                                | Elective | Decease |
|--------------------------------|----------|---------|
| Gerhardy, Theodore, . . . . .  | 1878-    | 1893    |
| Greene, Thomas A., . . . . .   | 1878-    | 1894    |
| Hurlbut, H. A., . . . . .      | 1878-    | 1882    |
| Hinchman, T. H., . . . . .     | 1876-    | 1892    |
| Henry, John F., . . . . .      | 1877-    | 1892    |
| Hurt, B. Scott, . . . . .      | 1883-    | 1888    |
| Hall, William Henry, . . . . . | 1882-    | 1894    |
| Hostetter, David, . . . . .    | 1882-    | 1888    |
| Hazelton, Wm., Jr., . . . . .  | 1883-    | 1884    |
| Hodge, John, . . . . .         | 1882-    | 1895    |
| Hopkins, Frank T., . . . . .   | 1878-    | 1885    |
| Hoyt, E. W., . . . . .         | 1884-    | 1887    |
| Hay, Henry Homer, . . . . .    | 1894-    | 1895    |
| Jensen, Carl L., . . . . .     | 1887-    | 1887    |
| Kirkland, John L., . . . . .   | 1879-    | 1892    |
| Logan, Thos. H., . . . . .     | 1877-    | 1888    |
| Lambert, Jordon, W., . . . . . | 1882-    | 1888    |
| Laughlin, Samuel, . . . . .    | 1876-    | 1887    |
| Ladd, Benj. J., . . . . .      | 1887-    | 1887    |
| Macready, Robert, . . . . .    | 1876-    | 1895    |
| Merrell, W. S., . . . . .      | 1876-    | 1880    |
| Mellier, A. A., . . . . .      | 1876-    | 1889    |
| Merrell, Jacob S., . . . . .   | 1884-    | 1885    |
| Morrisson, Robert, . . . . .   | 1876-    | 1888    |
| Malloy, E. S., . . . . .       | 1879-    | 1879    |
| Maris, John M., . . . . .      | 1883-    | 1892    |
| McKesson, John, . . . . .      | 1880-    | 1893    |
| Marsh, Edwin H., . . . . .     | 1883-    | 1884    |

|                                  | Elective Decease |
|----------------------------------|------------------|
| Metcalf, Theodore, . . . . .     | 1887-1894        |
| Munson, L. I., . . . . .         | 1895-1896        |
| Moffitt, John S., . . . . .      | 1889-1894        |
| Moore, Jerome B., . . . . .      | 1883-1891        |
| Mellon, John J., . . . . .       | 1882-1891        |
| Meyers, Milton L., . . . . .     | 1882-1892        |
| McDermott, George, . . . . .     | 1893-1893        |
| Mason, Alfred H., . . . . .      | 1888-1896        |
| Nickell, James M., . . . . .     | 1879-1881        |
| Nichols, Dr. James R., . . . . . | 1878-1888        |
| Park, John D., . . . . .         | 1876-1894        |
| Potter, Warren B., . . . . .     | 1883-1889        |
| Pozzoni, J. A., . . . . .        | 1884-1885        |
| Peek, William T., . . . . .      | 1883-1885        |
| Purcell, John, . . . . .         | 1885-1894        |
| Pinkney, Stephen R., . . . . .   | 1882-1892        |
| Powers, Thomas H., . . . . .     | 1877-1879        |
| Pinkham, Lydia, . . . . .        | 1887-1883        |
| Putnam, John P., . . . . .       | 1878-1889        |
| Parkes, William S., . . . . .    | 1887-1891        |
| Quetting, Josef. J., . . . . .   | 1883-1885        |
| Reakirk, Joseph, . . . . .       | 1876-1880        |
| Richardson, James, . . . . .     | 1876-1892        |
| Reed, Thomas, . . . . .          | 1883-1885        |
| Riday, John F., . . . . .        | 1883-1889        |
| Rosengarten, Geo. D., . . . . .  | 1883-1889        |
| Richardson, James H., . . . . .  | 1878-1891        |
| Robbins, Daniel C., . . . . .    | 1878-1888        |

|                                        | Elective | Deceased |
|----------------------------------------|----------|----------|
| Rosenthal, Moritz, . . . . .           | 1884     | 1896     |
| Robbins, Chas. A., . . . . .           | 1878     | 1889     |
| Rankin, Jesse W., . . . . .            | 1882     | 1892     |
| Raynolds, Chas. T., . . . . .          |          | 1896     |
| Sellers, R. E., . . . . .              | 1876     |          |
| Stewart, Daniel, . . . . .             | 1876     | 1892     |
| Stoutenbergh, Geo. W., . . . . .       | 1876     | 1884     |
| Strong, Samuel M., . . . . .           | 1876     | 1895     |
| Spurlock, H. C., . . . . .             | 1883     | 1892     |
| Scudder, Samuel V., . . . . .          | 1883     | 1889     |
| Smith, Geo. W., . . . . .              | 1882     | 1885     |
| Schieffelin, Wm. H., . . . . .         | 1882     | 1895     |
| Smith, Valentine H., . . . . .         | 1883     | 1890     |
| Sheley, Alanson, . . . . .             | 1876     | 1892     |
| Simes, Wm. F., . . . . .               | 1887     | 1892     |
| Sondheim, Myer, . . . . .              | 1884     | 1888     |
| Stanwood, E. L., . . . . .             | 1885     | 1892     |
| Strother, William A., M. D., . . . . . | 1889     | 1892     |
| Thomsen, John Jacob, . . . . .         | 1883     | 1892     |
| Talcott, Seth, . . . . .               | 1883     | 1894     |
| Truax, Perry B., . . . . .             | 1880     | 1891     |
| Thompson, William P., . . . . .        | 1893     | 1896     |
| Tiemann, Peter Cooper, . . . . .       | 1891     | 1894     |
| Thompson, John L., . . . . .           | 1880     | 1883     |
| Vogeler, Chas. A., . . . . .           | 1880     | 1882     |
| Vennard, William L., . . . . .         | 1878     | 1893     |
| Wilder, Edward, . . . . .              | 1876     | 1890     |
| Wilder, J. B., . . . . .               | 1876     | 1888     |

|                                     | Elective Decease |
|-------------------------------------|------------------|
| Wilkinson, A. J., . . . . .         | 1876-1895        |
| Wheeler, H. N., . . . . .           | 1883-1885        |
| Wheeler, Porte C. . . . .           | 1882-1883        |
| Wakefield, C., . . . . .            | 1882-1885        |
| Wallin, Jarvis R., . . . . .        | 1887-1886        |
| Wright, A. W., . . . . .            | 1887-1892        |
| Weightman, Dr. John Farr, . . . . . | 1878-1886        |
| Whiting, John L., . . . . .         | 1887-1892        |
| Woodward, Wm. R., . . . . .         | 1882-1889        |
| White, Jacob W., M. D., . . . . .   | 1884-1891        |
| Wetherell, Christopher, . . . . .   | 1887-1892        |
| Wells, William, . . . . .           | 1883-1892        |
| Weightman, William, Jr., . . . . .  | 1878-1889        |
| Whitall, James, . . . . .           | 1885-1896        |



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**COMMITTEES OF**  
**N. W. D. A. for the Years 1897=8.**

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**Committee on Membership.**

|                           |   |   |   |               |
|---------------------------|---|---|---|---------------|
| D. D. Phillips, Chairman, | - | - | - | Nashville     |
| Charles H. Pettet,        | - | - | - | - Louisville  |
| F. S. Henry,              | - | - | - | - New York    |
| James H. Rhodes,          | - | - | - | - Chicago     |
| H. Behrens,               | - | - | - | - Waco, Tex.  |
| H. J. Lamar,              | - | - | - | - Atlanta     |
| John W. Phillips,         | - | - | - | - New Orleans |

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**Committee on Arrangements and Entertainment.**

|                         |   |   |   |            |
|-------------------------|---|---|---|------------|
| R. W. Powers, Chairman, | - | - | - | Richmond   |
| E. D. Taylor,           | - | - | - | - Richmond |
| G. G. Minor,            | - | - | - | - Richmond |
| Benj. Valentine,        | - | - | - | - Richmond |
| N. V. Randolph,         | - | - | - | - Richmond |



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|                  |   |   |   |   |   |   |              |
|------------------|---|---|---|---|---|---|--------------|
| Perley A. Fitch, | - | - | - | - | - | - | Concord      |
| A. R. Olney,     | - | - | - | - | - | - | Clinton, Ia. |
| Jas. A. Smith,   | - | - | - | - | - | - | Peoria       |
| J. N. Murdoch,   | - | - | - | - | - | - | Parkersburg  |
| Charles W. Wall, | - | - | - | - | - | - | St. Louis    |

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**Committee on Memorials of Deceased Members.**

|                 |   |   |   |   |   |   |            |
|-----------------|---|---|---|---|---|---|------------|
| W. A. Robinson, | - | - | - | - | - | - | Louisville |
| Thos. F. Main,  | - | - | - | - | - | - | New York   |
| James E. Davis, | - | - | - | - | - | - | Detroit    |
| D. R. Noyes,    | - | - | - | - | - | - | St. Paul   |
| D. D. Phillips, | - | - | - | - | - | - | Nashville  |
| W. A. Hover,    | - | - | - | - | - | - | Denver     |
| John A. Gilman, | - | - | - | - | - | - | Boston     |
| C. F. G. Meyer, | - | - | - | - | - | - | St. Louis  |
| Thos. C. Peek,  | - | - | - | - | - | - | Macon      |
| Geo. A. Kelly,  | - | - | - | - | - | - | Pittsburg  |

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**Committee on Proprietary Goods.**

|                        |   |   |   |   |   |              |
|------------------------|---|---|---|---|---|--------------|
| M. N. Kline, Chairman, | - | - | - | - | - | Philadelphia |
| Geo. A. Kelly,         | - | - | - | - | - | Pittsburg    |
| Frank A. Faxon,        | - | - | - | - | - | Kansas City  |

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|                   |   |   |   |   |   |   |             |
|-------------------|---|---|---|---|---|---|-------------|
| D. R. Noyes,      | - | - | - | - | - | - | St. Paul    |
| Fred. L. Carter,  | - | - | - | - | - | - | Boston      |
| W. J. Walding,    | - | - | - | - | - | - | Toledo      |
| Jas. R. Owen,     | - | - | - | - | - | - | Chicago     |
| R. W. Powers,     | - | - | - | - | - | - | Richmond    |
| D. D. Phillips,   | - | - | - | - | - | - | Nashville   |
| W. A. Hover,      | - | - | - | - | - | - | Denver      |
| M. A. Fall,       | - | - | - | - | - | - | Atlanta     |
| I. S. Coffin,     | - | - | - | - | - | - | New York    |
| J. C. Eliel,      | - | - | - | - | - | - | Minneapolis |
| W. A. Robinson,   | - | - | - | - | - | - | Louisville  |
| Daniel Myers,     | - | - | - | - | - | - | Cleveland   |
| Theo. F. Meyer,   | - | - | - | - | - | - | St. Louis   |
| Dr. R. V. Pierce, | - | - | - | - | - | - | Buffalo     |
| E. G. Wells,      | - | - | - | - | - | - | New York    |
| Thos. F. Main,    | - | - | - | - | - | - | New York    |

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#### Committee on Legislation.

|                            |           |              |
|----------------------------|-----------|--------------|
| Edward H. Hance, Chairman, | -         | Philadelphia |
| W. C. Kalteyer,            | - - - - - | San Antonio  |
| Edward C. Frisbie,         | - - - - - | Hartford     |
| Andrew B. Rogers,          | - - - - - | New York     |
| Geo. A. Kelly,             | - - - - - | Pittsburg    |
| Harry C. Winkelmann,       | - - -     | Baltimore    |

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|                   |   |   |   |   |   |              |
|-------------------|---|---|---|---|---|--------------|
| Henry R. Strong,  | - | - | - | - | - | St. Louis    |
| John M. Peters,   | - | - | - | - | - | New York     |
| Edward H. Cutler, | - | - | - | - | - | St. Paul     |
| Louis Dohme,      | - | - | - | - | - | Baltimore    |
| Robert W. Powers, | - | - | - | - | - | Richmond     |
| Miers Busch,      | - | - | - | - | - | Philadelphia |

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**Committee on Drug Market.**

|                         |   |   |   |           |           |               |
|-------------------------|---|---|---|-----------|-----------|---------------|
| Geo. L. Muth, Chairman, | - | - | - | Baltimore |           |               |
| W. L. Brower,           | - | - | - | -         | New York  |               |
| G. F. Sichelsteil, Jr., | - | - | - | -         | Pittsburg |               |
| E. T. Everett,          | - | - | - | -         | -         | Portland, Me. |
| Geo. R. Finlay,         | - | - | - | -         | -         | New Orleans   |
| W. P. Reddington,       | - | - | - | -         | -         | San Francisco |
| H. T. Merrill,          | - | - | - | -         | -         | St. Louis     |
| F. Dohmen,              | - | - | - | -         | -         | Milwaukee     |

**Committee on Paints Oils and Glass.**

|                               |           |           |
|-------------------------------|-----------|-----------|
| Edward L. Molineux, Chairman, | -         | New York  |
| M. D. Eger,                   | - - - - - | New York  |
| Ford. D. C. Hinchman,         | - - - - - | Detroit   |
| Chas. W. Barstow,             | - - - - - | St. Louis |
| J. F. Weare,                  | - - - - - | Chicago   |



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|                       |   |   |   |   |   |   |              |
|-----------------------|---|---|---|---|---|---|--------------|
| Wm. Eliot Smith,      | - | - | - | - | - | - | Alton        |
| R. Edwards Breed,     | - | - | - | - |   |   | Marion, Ind. |
| J. Whitall Nicholson, | - | - | - | - |   |   | Philadelphia |
| Matthew Awan,         | - | - | - | - | - | - | Buffalo      |
| Chas. B. Lyon,        | - | - | - | - | - |   | Minneapolis  |

#### Committee on Fire Insurance.

|                         |   |   |   |   |   |   |               |
|-------------------------|---|---|---|---|---|---|---------------|
| Daniel Myers, Chairman, | - | - | - |   |   |   | Cleveland     |
| Wm. P. Redington,       | - | - | - | - |   |   | San Francisco |
| W. A. Hover,            | - | - | - | - | - | - | Denver        |
| James R. Owen,          | - | - | - | - | - | - | Chicago       |
| J. C. Fox,              | - | - | - | - | - | - | Atchison      |
| M. C. Peter,            | - | - | - | - | - | - | Louisville    |
| I. L. Lyons,            | - | - | - | - | - | - | New Orleans   |
| Fred L. Carter,         | - | - | - | - | - | - | Boston        |
| J. M. Hinchman,         | - | - | - | - | - | - | Detroit       |
| J. C. Eliel,            | - | - | - | - | - | - | Minneapolis   |
| Theo. F. Meyer,         | - | - | - | - | - | - | St. Louis     |
| H. W. Evans,            | - | - | - | - | - | - | Kansas City   |
| C. F. Weller,           | - | - | - | - | - | - | Omaha         |
| John McKesson,          | - | - | - | - |   |   | New York City |
| John R. Drake,          | - | - | - | - | - |   | Milwaukee     |

**Committee on Transportation.**

|                        |   |   |   |   |              |
|------------------------|---|---|---|---|--------------|
| Thomas Lord, Chairman, | - | - | - | - | Chicago      |
| Oscar L. Whitelaw,     | - | - | - | - | St. Louis    |
| Thomas Sisson,         | - | - | - | - | Hartford     |
| John Birks,            | - | - | - | - | Peoria       |
| Augustus Kiefer,       | - | - | - | - | Indianapolis |
| A. E. Neat,            | - | - | - | - | Louisville   |
| Geo. R. Finlay,        | - | - | - | - | New Orleans  |
| Charles A. West,       | - | - | - | - | Boston       |
| J. M. Hinchman,        | - | - | - | - | Detroit      |
| Charles H. Sagar,      | - | - | - | - | Duluth       |
| E. E. Bruce,           | - | - | - | - | Omaha        |

**Committee on Credits and Collection.**

|                               |   |   |   |   |                |
|-------------------------------|---|---|---|---|----------------|
| A. Cressy Morrison, Chairman, | - | - | - | - | Milwaukee      |
| C. F. G. Meyer,               | - | - | - | - | St. Louis      |
| T. F. Van Natta,              | - | - | - | - | St. Joseph     |
| A. G. Weeks, Jr.,             | - | - | - | - | Boston         |
| Frank A. Faxon,               | - | - | - | - | Kansas City    |
| Albert Plaut,                 | - | - | - | - | New York       |
| H. H. Eliel,                  | - | - | - | - | Minneapolis    |
| William Geary,                | - | - | - | - | Sacramento     |
| R. E. Davis,                  | - | - | - | - | Portland, Ore. |

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|                 |   |   |   |   |   |   |             |
|-----------------|---|---|---|---|---|---|-------------|
| F. W. Braun,    | - | - | - | - | - | - | Los Angeles |
| L. N. Brunswig, | - | - | - | - | - | - | New Orleans |
| Sam. J. Hale,   | - | - | - | - | - | - | Cincinnati  |

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**Committee on Commercial Travelers.**

|                          |   |   |   |   |   |             |
|--------------------------|---|---|---|---|---|-------------|
| Chas. H. West, Chairman, | - | - | - | - | - | St. Louis   |
| M. C. Peter,             | - | - | - | - | - | Louisville  |
| Jas. R. Owen,            | - | - | - | - | - | Chicago     |
| Thos. E. Delano,         | - | - | - | - | - | New York    |
| R. L. Richardson,        | - | - | - | - | - | Boston      |
| Otto Stein,              | - | - | - | - | - | Cincinnati  |
| Chas. H. Talcott,        | - | - | - | - | - | Hartford    |
| Geo. S. Lord,            | - | - | - | - | - | Chicago     |
| J. C. Lyons, Jr.,        | - | - | - | - | - | New Orleans |
| Chas. Leich,             | - | - | - | - | - | Evansville  |
| J. E. Goold,             | - | - | - | - | - | Portland    |

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**Committee on Box and Cartage.**

|                        |   |   |   |   |   |             |
|------------------------|---|---|---|---|---|-------------|
| F. A. Faxon, Chairman, | - | - | - | - | - | Kansas City |
| C. F. Weller,          | - | - | - | - | - | Omaha       |
| J. C. Fox,             | - | - | - | - | - | Achison     |
| W. J. Walding,         | - | - | - | - | - | Toledo      |
| Jas. R. Owen,          | - | - | - | - | - | Chicago     |

**Committee on Adulterations.**

|                           |   |   |   |   |   |   |                    |
|---------------------------|---|---|---|---|---|---|--------------------|
| John N. Carey, Chairman,  | - | - | - | - | - | - | Indianapolis       |
| J. U. Lloyd,              | - | - | - | - | - | - | Cincinnati         |
| Adolph Wm. Miller, M. D., | - | - | - | - | - | - | Philadelphia       |
| F. H. Sloan,              | - | - | - | - | - | - | New York           |
| John H. Sheehan,          | - | - | - | - | - | - | Utica              |
| W. S. Gerity              | - | - | - | - | - | - | Elmira             |
| J. D. Price,              | - | - | - | - | - | - | Columbus           |
| G. G. Minor,              | - | - | - | - | - | - | Richmond           |
| W. A. Nelden,             | - | - | - | - | - | - | Salt Lake City     |
| Chas. Leete,              | - | - | - | - | - | - | Evansville         |
| Chas. P. Alden,           | - | - | - | - | - | - | Springfield, Mass. |

**Committee on Paris Green.**

|                         |   |   |   |   |   |   |               |
|-------------------------|---|---|---|---|---|---|---------------|
| A. S. Brooks, Chairman, | - | - | - | - | - | - | Detroit       |
| C. P. Noyes,            | - | - | - | - | - | - | St. Paul      |
| Wm. J. Walker,          | - | - | - | - | - | - | Albany, N. Y. |

**Committee on Infringement of Trademarks.**

|                            |   |   |   |   |   |   |          |
|----------------------------|---|---|---|---|---|---|----------|
| B. T. Fairchild, Chairman, | - | - | - | - | - | - | New York |
| James E. Davis,            | - | - | - | - | - | - | Detroit  |
| Chas. C. Goodwin,          | - | - | - | - | - | - | Boston   |

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**Committee on Relations with Local Associations, City and Inter-State.**

|                              |   |   |              |
|------------------------------|---|---|--------------|
| Alonza L. Thomsen, Chairman, | - | - | Baltimore    |
| Jas. McCord,                 | - | - | La Crosse    |
| J. F. Broderick,             | - | - | St. Paul     |
| C. A. Battle,                | - | - | St. Louis    |
| H. B. Fairchild,             | - | - | Grand Rapids |
| F. A. Henry,                 | - | - | Louisville   |
| Henry B. Gilpin,             | - | - | Baltimore    |
| Chas. E. Potts,              | - | - | Wichita      |

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**Committee on Violation of Contracts.**



## CONSTITUTION AND BY-LAWS

.....OF THE.....

### National Wholesale Druggists Association

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WHEREAS—It is desirable to promote fraternal and social relations between the wholesale druggists of the country; to guard against feelings of distrust and jealousy that may at any time arise; to restrain competition by other than honorable methods; to discountenance all customs not in accordance with sound business principles; to establish rules and regulations, whereby all grievances and differences may be fairly and equitably adjusted, we do form ourselves into an association, and agree to be governed by the following Constitution and By-Laws.

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#### CONSTITUTION.

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##### ARTICLE I.

The name of the organization shall be the NATIONAL WHOLESALE DRUGGISTS ASSOCIATION.

##### ARTICLE II.

The officers of this Association shall be a President, five vice-Presidents, Secretary and Treasurer and a Board of Control, who shall hold their office one year, or until successors are elected.

##### ARTICLE III.

Officers shall be elected by ballot at the regular annual meeting; each firm, member of this Association, shall be entitled to one

vote, and the candidate who shall receive a majority of the votes shall be declared duly elected.

#### ARTICLE IV.

It shall be the duty of the President to preside at all meetings of the Association. He shall call special meetings on written application of twenty-five members of the Association.

#### ARTICLE V.

It shall be the duty of the vice-Presidents to act in the absence of the President, in the usual order.

#### ARTICLE VI.

It shall be the duty of the Secretary to keep a record of all meetings, and preserve all correspondence of the Association.

#### ARTICLE VII.

It shall be the duty of the Treasurer to receive all funds of the Association, and disburse the same under direction of the President, or by vote of the Association, and report at each annual meeting. His accounts shall be audited by a special committee of three, to be appointed annually by the President.

#### ARTICLE VIII.

The Board of Control shall consist of five members, to whom all grievances, or charges of violation of rules, made in writing, by any member of the Association, shall be referred. All reports made to the Association shall be referred to them for consideration, before final action.

#### ARTICLE IX.

In case of vacancies occurring in elective offices in the interval between annual meetings, the President of the Association is empowered to make appointments to fill such vacancies, subject to the approval of the Board of Control.

#### ARTICLE X.

Any firm engaged in the wholesale drug business, may, on recommendation of the Committee on Membership and election by the Association, become a member of this Association upon sub-

scribing to the Constitution and By-Laws and payment of ten dollars initiation fee and an annual due of twenty-five dollars. Election of members shall be by ballot.

Individuals, firms or companies engaged in business collateral or kindred to the drug business, may be admitted as associate members, in the same manner as provided for the admission of members, except that the annual dues shall be ten dollars. Associate members to enjoy all the privileges of membership, except that they shall be allowed to vote only on the time and place of meeting.

Any assessment in addition to the regular dues shall be levied only on the active members.

#### ARTICLE XI.

Any person may delegate, in case of sickness or unavoidable absence, a confidential clerk, who shall present written credentials of the firm he represents. His votes shall then be binding on his firm.

#### ARTICLE XII.

The annual meetings of the Association shall be held at such place and in such month as shall be named in a resolution of the Association adopted at the last preceding annual meeting, and the exact dates in such month shall be fixed by the Committee of Arrangements and Entertainment subject to the approval of the President. But the President may, in the event of an emergency warranting such change, and with the approval of a majority of the Board of Control, change the month and date as well as the place of holding such annual meeting, provided notice of such change shall be sent to every member of the Association not less than thirty days before the date which he shall designate nor less than ten days prior to the date, if any, previously fixed. Special meetings shall be called at any time by the President upon the written request of twenty-five active members of the Association, and notice of such meeting, specifying the object for which it is called, shall be mailed to every member of the Association not less than fifteen days prior to the date on which the meeting is to be held. At all meetings of the Association forty members shall constitute a quorum for the transaction of business.

#### ARTICLE XIII.

Any amendment to, or alteration of, this Constitution can be made at any annual meeting, by a vote of two-thirds of all the members present and voting.

No alteration or revision of the Constitution or By-Laws of the Association shall be made except when said alteration or revision shall have been prepared in writing at a meeting at least twenty-four hours previous to taking action on said alteration or revision.

#### ARTICLE XIV.

There shall be a standing committee of seven (7) on Membership, whose duty it shall be to secure written applications for membership from parties eligible under this Constitution, and to present them to the Association. All names proposed shall be posted at the entrance of the place of meeting at least twenty-four hours before action is taken upon them.

There shall also be the following standing committees, viz.: on Legislation; Proprietary Goods; Drug Market; Memorials of Deceased Members; Adulterations; Paints, Oils and Glass; Credits and Collections; Fire Insurance; Transportation; Commercial Travelers; Entertainment; Fraternal Relations; Violation of Contracts; Infringement on Trade Marks; Passenger Rates and Routes for Delegates to Convention; Box and Cartage; Relations with Local Associations, City and Inter-State; a Committee on Assessment, consisting of the President of the Association the Chairman of the Board of Control, and the Treasurer, whose duty it shall be to levy an assessment upon the active members of the Association, whenever the condition of the treasury requires it. All standing committees shall be appointed annually by the President. There shall also be special committees on Time and Place of Meeting and on Nominations, each of which committees shall consist of five members to be appointed by the President on the first day of the annual meeting; and the report of such committees may be made the subject of such special order as the Association may direct at each meeting.

#### ARTICLE XV.

Any member, against whom charges have been made, may, after a fair hearing, and upon the recommendation of the Board of Control, be subject to such action as the majority of the Association may elect.

#### ARTICLE XVI.

Any member in good standing, retiring from business, and resigning from the Association, may be made an Honorary

Member, by vote of the Association, and shall be relieved from the payment of dues.

### BY-LAWS.

FIRST—No member shall be allowed to speak more than twice on any question, at the same meeting, without the consent of the majority present.

SECOND—All speeches shall be limited to ten minutes, unless by consent.

THIRD—The rules governing the proceedings of this Association shall be subject to parliamentary usages.

FOURTH—The members of this Association shall be in honor bound to keep strictly confidential all discussions and transactions of the Association when in executive session.

FIFTH—All grievances submitted to the Chairman of the Board of Control shall be presented as early as possible to the said Board, with the full statement of all parties interested, and the decision of said committee shall be final, subject to appeal to the Association. But in case any member of said Board is interested, he shall not be competent to act.

SIXTH—It shall be the duty of any member of this Association to present to said Board of Control, through any of its members, any unfair or unmercantile act of any manufacturer or dealer with whom the members of this Association have dealings, and the said Board of Control shall take such action as they may deem expedient.

SEVENTH—Any member who shall fail to remit his dues to the Association by the expiration of the year, shall be notified by the Treasurer, and should he fail to respond within three months, the Treasurer shall notify the Secretary of the fact, who shall then inform such member in writing, that unless his dues are at once remitted, his name will be dropped from the roll of membership. If, after thirty days, such member is still delinquent, the Secretary shall erase his name from the roll of membership. Any member of this Association who desires to withdraw must give at least thirty days' notice, and shall not be permitted to withdraw until all dues are paid; and if he shall violate any rules or agreement, he shall be subject to such action as this Association shall deem best. There shall be assessed an annual due of twenty-five dollars.

EIGHTH—Any amendment to these By-Laws may be made at



any meeting of the Association by a two-thirds vote of all the members present and voting.

NINTH—There shall be not less than two hours' notice in advance given in the open meeting before the election of officers or the selection of place of next annual meeting shall be entered into.

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### ORDER OF BUSINESS.

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- 1st—Call to Order.
- 2d—Calling Roll of Members.
- 3d—Reading of the Minutes of Last Meeting.
- 4th—President's Address.
- 5th—Election of Members.
- 6th—Secretary's Report.
- 7th—Treasurer's Report.
- 8th—Report of Committees.
- 9th—Miscellaneous Business.
- 10th—Installation of Officers.

## ACTIVE MEMBERS.

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Members are requested to report any inaccuracies in these lists and to notify the Secretary and Treasurer of all changes in the style of firm and individual names of companies.

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### UNITED STATES OF AMERICA.

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#### ALABAMA.

- ELAM DRUG CO., . . . . . Anniston.  
     E. E. Elam, President.  
     Rutherford Lapsley, Secretary.
- GAY, HARDIE & DURR, . . . . . Montgomery.  
     Chas. L. Gay.  
     Bradford Hardie.  
     Jno. W. Durr, Jr.

#### CALIFORNIA.

- BRAUN & CO., F. W., . . . . . Los Angeles.  
     F. W. Braun.  
     Lucien Brunswig (New Orleans).
- HAAS, BARUCH & CO., . . . . . Los Angeles.  
     A. Hass.  
     J. Baruch.
- KIRK, GEARY & CO., . . . . . Sacramento.  
     Wm. Geary.  
     H. S. Kirk.  
     Agnes Kirk.  
     Mrs. H. C. Kirk.

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|                                     |                |
|-------------------------------------|----------------|
| LANGLEY & MICHAELS CO.,             | San Francisco. |
| M. Langley,                         |                |
| H. Michaels.                        |                |
| R. Watt.                            |                |
| J. W. Featherston.                  |                |
| MACK & CO.,                         | San Francisco. |
| Leon Goggenhime.                    |                |
| Adolph Mack.                        |                |
| Fred S. Kellogg.                    |                |
| REDINGTON & CO.,                    | San Francisco. |
| Christian W. Smith.                 |                |
| Wm. P. Redington.                   |                |
| Coffin, Redington & Co. (New York). |                |

**COLORADO.**

|                         |            |
|-------------------------|------------|
| HOVER & CO., W. A.,     | Denver.    |
| W. A. Hover.            |            |
| C. L. Hover.            |            |
| H. M. Harding.          |            |
| REITHMANN & CO., J. J., | Denver.    |
| TAYLOR, GEORGE E.,      | Leadville. |

**CONNECTICUT.**

|                               |            |
|-------------------------------|------------|
| APOTHECARIES HALL CO.,        | Waterbury. |
| F. B. Rice.                   |            |
| Frederic Wilcox, Secretary.   |            |
| John Blair, Treasurer.        |            |
| CALHOUN & CO., F. S.,         | New Haven. |
| F. S. Calhoun.                |            |
| LEETE & CO., CHAS. S.,        | New Haven. |
| Chas. S. Leete.               |            |
| Jeremiah B. Leete.            |            |
| WHITTLESEY & CO., CHARLES W., | New Haven. |
| C. W. Whittlesey.             |            |
| LEE & OSGOOD,                 | Norwich.   |
| Hugh H. Osgood.               |            |
| OSGOOD & CO, CHARLES.         | Norwich.   |
| Charles Osgood.               |            |

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|                                   |           |
|-----------------------------------|-----------|
| SISSON & CO., . . . . .           | Hartford. |
| Thomas Sisson.                    |           |
| Geo. P. Chandler.                 |           |
| Frederick H. Chapin.              |           |
| TALCOTT, FRISBIE & CO., . . . . . | Hartford. |
| Edward C. Frisbie.                |           |
| Charles H. Talcott.               |           |

### GEORGIA.

|                                              |           |
|----------------------------------------------|-----------|
| LAMAR & RANKIN DRUG CO., THE (Incorporated), | Atlanta.  |
| H. J. Lamar, President.                      |           |
| H. J. Lamar, Jr , Vice-President.            |           |
| M. A. Fall, Treasurer.                       |           |
| R. R. Evans, Secretary.                      |           |
| LAMAR & SONS, HENRY J., . . . . .            | Macon.    |
| H. J. Lamar.                                 |           |
| H. J. Lamar, Jr.                             |           |
| W. D. Lamar.                                 |           |
| Thos. C. Peek.                               |           |
| J. S. Hoge.                                  |           |
| J. B. Riley.                                 |           |
| SOLOMONS & CO., . . . . .                    | Savannah. |
| J. W. Solomons.                              |           |
| I. A. Solomons.                              |           |
| DAVID W. CURRY, . . . . .                    | Rome.     |
| SMITH-DUGGER DRUG CO., . . . . .             | Atlanta.  |
| J. Stovall Smith, President.                 |           |
| E. P. Chamberlin, Vice-President.            |           |
| J. H. Childs, Secretary.                     |           |
| J. M. Dugger, Treasurer.                     |           |

### ILLINOIS.

|                                  |          |
|----------------------------------|----------|
| HUMISTON, KEELING CO., . . . . . | Chicago. |
| S. A. Humiston.                  |          |
| Francis Keeling, Jr.             |          |
| James H. Rhodes.                 |          |

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LORD, OWEN & CO., . . . . . Chicago.

- Thomas Lord.  
- Geo. S. Lord.  
- James R. Owen.

SEARLE & HERETH CO., THE, . . . . . Chicago.

G. D. Searle, President.  
F. S. Hereth, Vice-President.  
O. T. Eastman, Secretary and Treasurer.

ALLAIRE-WOODWARD Co., . . . . . Peoria.

Eliot Callender, President.  
H. J. Woodward, Vice-President.  
J. A. Smith, Secretary and Manager.  
Jas. E. Callender, Treasurer.

COLBURN-BIRKS & CO., . . . . . Peoria.

Walter P. Colburn.  
John Birks.  
Henry Simoneau.

BARKER-WHEELER COMPANY, THE, . . . . . Peoria.

Walter Parker, President.  
M. C. W. Wheeler, First Vice-President.  
H. G. Herget, Second Vice-President.  
N. L. Griswold, Treasurer.  
Fred J. Greene, Secretary and General Manager.

HARTZ & BAHNSEN CO., . . . . . Rock Island.

B. C. Hartz, President.  
F. W. Bahnsen, Vice-President.  
I. L. White, Secretary and Treasurer.

SCHUH DRUG CO., . . . . . Cairo.

Paul G. Schuh, President and Treasurer.  
H. W. Schuh, Vice-President and Manager.  
Julius P. Schuli, Secretary.

SOMMERS DRUG CO., ALDO, . . . . . Quincy.

Aldo Sommers, President.  
Chas. E. Lionberger, Vice-President.  
Phil. Schanz, Secretary.



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WAKEFIELD & CO., C., . . . . . Bloomington.  
C. Wakefield (estate).  
Oscar Wakefield.  
Homer Wakefield.  
Mrs. H. W. Brady.

### INDIANA.

INDIANAPOLIS DRUG CO., . . . . . Indianapolis.  
J. G. Mueller.  
H. Pink.  
J. R. Miller.

KIEFER DRUG CO., A., . . . . . Indianapolis.  
Augustus Kiefer, President.  
Chas. Mayer, Vice-President.  
Chas. S. McBride, Secretary and Treasurer.

LILLY & CO., ELI, . . . . . Indianapolis.  
Eli Lilly, President.  
James E. Lilly, Vice-President.  
Evan F. Lilly, Secretary.  
Josiah K. Lilly, Superintendent.

STEWART, DANIEL, CO., . . . . . Indianapolis.

WARD BROS., . . . . . Indianapolis.  
B. Ward.  
M. Ward.  
C. S. Dearborn.

LEICH & CO., CHARLES, . . . . . Evansville.  
Charles Leich.  
Carl Leich.

### IOWA.

EDGERLY & CO., J. W., . . . . . Ottumwa.  
W. T. Harper, President.  
A. S. Udell, Vice-President.  
E. S. Edgerly, Treasurer.  
W. T. Harper, Jr., Secretary.

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|                                     |             |
|-------------------------------------|-------------|
| HORNICK, HESS & MORE, . . . . .     | Sioux City. |
| John Hornick, President.            |             |
| A. J. More, Vice-President.         |             |
| S. H. Hess, Secretary and Treasury. |             |
| HURLBUT-WARD DRUG CO., . . . . .    | Des Moines. |
| J. R. Hurlbut, President.           |             |
| C. H. Ward, Vice-President.         |             |
| M. W. Ward, Secretary.              |             |
| F. H. McArthur, Treasurer.          |             |
| OLNEY & McDAID, . . . . .           | Clinton.    |
| A. R. Olney.                        |             |
| G. R. McDaid.                       |             |
| TORBERT, W. H., . . . . .           | Dubuque.    |
| WILKINSON & CO., . . . . .          | Keokuk.     |
| A. J. Wilkinson (estate).           |             |
| J. F. Kiedaisch.                    |             |

#### KANSAS.

|                                      |            |
|--------------------------------------|------------|
| McPIKE & FOX, . . . . .              | Atchinson. |
| W. C. McPike.                        |            |
| J. C. Fox.                           |            |
| POTTS DRUG CO., THE C. E., . . . . . | Wichita.   |
| Chas. E. Potts.                      |            |

#### KENTUCKY.

|                                                   |             |
|---------------------------------------------------|-------------|
| CALIFORNIA FIG SYRUP CO., . . . . .               | Louisville  |
| R. E. Queen, Pres. and Gen. Mgr. (San Francisco). |             |
| Geo. A. Newman, Gen. Agent (Louisville).          |             |
| NEAT-RICHARDSON DRUG CO., . . . . .               | Louisville. |
| A. E. Neat, President.                            |             |
| W. H. Richardson, Vice-President.                 |             |
| B. C. Neat, Gen. Manager.                         |             |
| O. C. Richardson, Secretary and Treasurer.        |             |
| PETER & CO., A., . . . . .                        | Louisville. |
| Arthur Peter.                                     |             |
| M. C. Peter.                                      |             |
| R. A. Peter.                                      |             |

RENZ & HENRY, . . . . . Louisville.  
F. J. Renz.

ROBINSON-PETTET Co. (Incorporated), . . . . . Louisville.  
— Chas. H. Pettet, President.  
— Wm. A. Robinson, Vice-President.  
Chas. P. Barton, Treasurer.  
Worthington Robinson, Secretary.  
A. Lee Robinson, Assistant Secretary.

### LOUISIANA.

BRUNSWIG, L. N., . . . . . New Orleans.

FINLAY, DICKS & CO., . . . . . New Orleans.  
Geo. R. Finlay.  
Fred A. Dicks.  
Chas. B. Dicks.  
John S. Finlay.

LYONS & CO., I. L., . . . . . New Orleans.  
I. L. Lyons.  
J. C.<sup>3</sup> Lyons, Jr.  
T. H. Lyons.  
John W. Phillips.

### MAINE.

COOK, EVERETT & PENNELL, . . . . . Portland.  
Charles Cook.  
E. S. Everett.  
H. B. Pennell.

GOOLD & CO., J. E., . . . . . Portland.  
J. E. Goold.

HAY & SON, H. H., . . . . . Portland.  
Chas. M. Hay.  
Edward A. Hay.

PERKINS & CO., JOHN W., . . . . . Portland.  
John W. Perkins.  
Benj. A. Perkins.  
Geo. L. Fogg.  
Bion R. Lane.  
William D. Millay.

SWEET, CALDWELL, . . . . . Bangor.

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**MARYLAND.**

- BURROUGH BROS. MFG. CO., . . . . . Baltimore.  
     Horace Burrough.  
     John H. Emory.
- EMERSON DRUG CO., . . . . . Baltimore.  
     Isaac E. Emerson, President.  
     John F. Waggaman, Vice-President.  
     Jos. F. Hindes, Jr., Secretary.
- GILPIN, LANGDON & CO., . . . . . Baltimore.  
     Bernard Gilpin.  
     Thos. P. Langdon.  
     Henry B. Gilpin.  
     Chas. F. Husted.
- MUTH BROS. & CO., . . . . . Baltimore.  
     M. Joseph Muth.  
     George L. Muth.
- SHARP & DOHME, . . . . . Baltimore.  
     Louis Dohme, President.  
     Chas. E. Dohme, Vice-President.  
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Florence Fox.

HASTINGS & CO., . . . . . Philadelphia.

Robert E. Hastings.

John V. Hastings.

Harvey O. Hastings.

HIRES CO., THE CHAS. E., . . . . . Philadelphia.

Chas. E. Hires, President.

Wm. A. Ingersoll, Secretary and Treasurer.

JEFFERIES GLASSWARE WORKS, THE, . . . Philadelphia.

LUCAS & CO., JOHN, . . . . . Philadelphia.

John Lucas.

○ MULFORD & CO., H. K., . . . . . Philadelphia.

McKINLEY, W. S., . . . . . Philadelphia.

McILVAINE BROS., . . . . . Philadelphia.

Henry C. McIlvaine.

A. Robinson McIlvaine.

TAITE SONS, JOSEPH, . . . . . Philadelphia.

WIRZ, A. H., . . . . . Philadelphia.

- 
- PENNSYLVANIA SALT MFG. CO., . . . Philadelphia.  
Theo. Armstrong, Vice-President.  
Austin M. Purves, Secretary and Treasurer.  
Phillip A. Bour, General Manager.
- PLUMLY CO., G. W., . . . Philadelphia.  
Geo. W. Plumly, President.  
Robt. A. Beggs, Secretary and Treasurer.
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Saml. G. Rosengarten.  
Mitchell G. Rosengarten.  
Harry B. Rosengarten.  
Frank H. Rosengarten.
- TETLOW, HENRY, . . . Philadelphia.
- TROEMER, HENRY, . . . Philadelphia.
- WARE, WALTER F., . . . Philadelphia.
- WARNER & CO., WILLIAM R., . . . Philadelpnia.  
W. R. Warner.
- WHITALL, TATUM & CO., . . . Philadelphia.  
C. A. Tatum.  
John Mickle.  
F. M. Underhill.  
John M. Whitall.  
J. Whitall Nicholson.
- WHITNEY GLASS WORKS CO., THE, . . . Philadelphia.  
J. P. Whitney, President.  
R. D. McLeod, Vice-President.  
C. J. Yost, Secretary.  
Thos. Annadown, Treasurer.
- LAWRENCE & CO., W. W., . . . Pittsburg.  
W. W. Lawrence.  
Matthew Awan, Resident Manager.  
(Buffalo, N. Y.)
- NATIONAL LEAD AND OIL CO. OF  
PENNSYLVANIA, . . . Pittsburg.

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KNICKERBOCKER BRACE CO., . . . . Easton.  
N. A. Johnson, President.

✓ RASER, JOHN B., . . . . Reading.

#### RHODE ISLAND.

CALDER, ALBERT L., . . . . Providence.

DAVOL RUBBER CO., . . . . Providence.

#### VIRGINIA.

VALENTINE MEAT JUICE WORKS, . . . . Richmond.  
G. G. Valentine, President.  
Benj. B. Valentine, Vice-President.  
Fred'k S. Valentine, Treasurer.  
Edw. P. Valentine, Secretary.

#### VERMONT.

DUTCHER DRUG CO., FREDERICK, . . . . St. Albans.

#### WISCONSIN.

COLE & CO., J. W., . . . . Black River Falls.  
J. W. Cole.  
F. W. Cole.

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#### MEMBERS RESIDING IN EUROPE.

##### ENGLAND.

WELLCOME, HENRY S., . . . . London, E. C.  
Representing Burroughs, Wellcome & Co.

CORNEILLE & CO., DAVID, . . . . London.

GIBSON & SONS, ROBERT, . . . . Manchester.

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**DOMINION OF CANADA.****NEW BRUNSWICK.**

BARKER & SONS, T. B., . . . . . St. John.  
T. B. Barker.  
H. W. Barker.

**QUEBEC.**

EVANS & SONS (Limited), . . . . . Montreal.  
KERRY, WATSON & CO., . . . . . Montreal.  
LYMAN SONS & CO., . . . . . Montreal.  
LYMAN, KNOX & CO., . . . . . Montreal.

**MANITOBA.**

BOLE, WYNNE & CO., . . . . . Winnipeg.  
D. W. Bole.  
Jas. R. Wynne.

**NOVA SCOTIA.**

SIMSON BROS. & CO., . . . . . Halifax.  
Frank C. Simson.  
W. H. Simson.

**COMPLIMENTARY MEMBERSHIP.**

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|                                              |            |
|----------------------------------------------|------------|
| OIL, PAINT AND DRUG REPORTER,                | New York.  |
| SHIPPING AND COMMERCIAL LIST,                | New York.  |
| PHARMACEUTICAL ERA,                          | New York.  |
| AMERICAN DRUGGIST AND PHARMACEUTICAL RECORD, | New York.  |
| OIL, PAINT AND DRUG REVIEW,                  | Chicago.   |
| NATIONAL DRUGGIST,                           | St. Louis. |
| NEW ENGLAND DRUGGIST,                        | Boston.    |
| MONTREAL PHARMACEUTICAL JOURNAL,             | Montreal.  |
| WESTERN DRUGGIST,                            | Chicago.   |



## ALPHABETICAL LIST OF ACTIVE MEMBERS.

236.

## A

|                               |         |                    |
|-------------------------------|---------|--------------------|
| Alden, Chas. P.,              | - - -   | Springfield, Mass. |
| Allaire, Woodward Co.,        | - - -   | Peoria, Ill.       |
| Antikamnia Chemical Co., The, | -       | St. Louis, Mo.     |
| Apothecaries Hall Co.,        | - - -   | Waterbury, Conn.   |
| Aschenbach & Miller,          | - - -   | Philadelphia, Pa.  |
| Ayer Co., J. C.,              | - - - - | Lowell, Mass.      |

## B

|                                    |         |                   |
|------------------------------------|---------|-------------------|
| Bacon & Co., C. G.,                | - - - - | New York City     |
| Baker & Bro., H. J.,               | - - -   | New York City     |
| Barker-Wheeler Co., The,           | - - -   | Peoria, Ill.      |
| Barker, Moore & Mein Medicine Co., |         | Philadelphia, Pa. |
| Battle & Co.,                      | - - - - | St. Louis, Mo.    |
| Baumbach Co., The Chas.,           | -       | Milwaukee, Wis.   |
| Behrens Drug Co., The,             | - - -   | Waco, Tex.        |
| Benton, Myers & Co.,               | - - -   | Cleveland, O.     |
| Berry, Demoville & Co.,            | - - -   | Nashville, Tenn.  |
| Billings, Clapp & Co.,             | - - -   | Boston, Mass.     |
| Blanding & Blanding,               | - - -   | Providence, R. I. |
| Blumauer-Frank Drug Co.,           | - - -   | Portland, Ore.    |

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|                             |         |                   |
|-----------------------------|---------|-------------------|
| Boehringer & Soehne, C. F., | -       | Mannheim, Ger.    |
| Braun & Co., F. W.,         | - -     | Los Angeles, Cal. |
| Bruce & Co., E. E.,         | - - -   | Omaha, Neb.       |
| Bruen, Ritchey & Co.,       | - - -   | New York City.    |
| Brunswig, L. N.,            | - - -   | New Orleans, La.  |
| Burlington Drug Co.,        | - - -   | Burlington, Vt.   |
| Burrough Bros. Mfg. Co.,    | - -     | Baltimore, Md.    |
| Bush & Co.,                 | - - - - | Worcester, Mass.  |

## C

|                               |         |                   |
|-------------------------------|---------|-------------------|
| Calhoun & Co., F. S.,         | - -     | New Haven, Conn.  |
| California Fig Syrup Co.,     | - -     | Louisville, Ky.   |
| Carter, Carter & Kilham,      | - -     | Boston, Mass.     |
| Carter Medicine Co.,          | - - -   | New York City     |
| Chambers, Calder & Co.,       | -       | Providence, R. I. |
| Chapman, White, Lyons & Co.,  | -       | Knoxville, Tenn.  |
| Cheney Medicine Co.,          | - - -   | Toledo, O.        |
| Claffin & Co., Geo. L.,       | - - -   | Providence, R. I. |
| Colburn, Birks & Co.,         | - - -   | Peoria, Ill.      |
| Collins Bros. Drug Co.,       | - -     | St. Louis, Mo.    |
| Cook, Everett & Pennell,      | - - -   | Portland, Me.     |
| Craighill & Co., E. A.,       | - - -   | Lynchburg, Va.    |
| Crittenton Co., The Chas. N., | -       | New York City     |
| Crowdus Drug Co., The J. W.,  | - -     | Dallas, Tex.      |
| Curry, David W.,              | - - - - | Rome, Ga.         |
| Cutler Bros. & Co.,           | - - -   | Boston, Mass.     |

## D

|                      |         |                  |
|----------------------|---------|------------------|
| Davis & Co., E. H.,  | - - -   | Rochester, N. Y. |
| Dodge & Olcott,      | - - - - | New York City    |
| Dohmen Co., The F.,  | - - -   | Milwaukee, Wis.  |
| Doliber-Goodale Co., | - - -   | Boston, Mass.    |
| Drake Bros. Co.,     | - - - - | Milwaukee, Wis.  |

**E**

|                           |   |   |   |                  |
|---------------------------|---|---|---|------------------|
| Edgerly & Co., J. W.      | - | - | - | Ottumwa, Ia.     |
| Eisner & Mendelson Co.,   | - | - | - | New York City    |
| Emerson Drug Co.,         | - | - | - | Baltimore, Md.   |
| Evans-Gallagher Drug Co., | - | - | - | Kansas City, Mo. |
| Elam Drug Co.,            | - | - | - | Anniston, Ala.   |

**F**

|                                   |   |   |   |                  |
|-----------------------------------|---|---|---|------------------|
| Fairchild Bros. & Foster,         | - | - | - | New York City    |
| Farrand, Williams & Clark,        | - | - | - | Detroit, Mich.   |
| Finlay, Dicks & Co.,              | - | - | - | New Orleans, La. |
| Fitch, A. Perley,                 | - | - | - | Concord, N. H.   |
| Foster, Milburn & Co.,            | - | - | - | Buffalo, N. Y.   |
| Fowle & Sons, Seth W.,            | - | - | - | Boston, Mass.    |
| Fraser Tablet Triturate Mfg. Co., | - | - | - | New York City    |
| Fritzsche Bros.,                  | - | - | - | New York City    |
| Fulford & Co., G. T.,             | - | - | - | Brockville, Ont. |

**G**

|                             |   |   |   |                  |
|-----------------------------|---|---|---|------------------|
| Gay, Hardie & Durr,         | - | - | - | Montgomery, Ala. |
| Gerity Bros.,               | - | - | - | Elmira, N. Y.    |
| Gilman Bros.,               | - | - | - | Boston, Mass.    |
| Gilmore & Co., W. J.,       | - | - | - | Pittsburg, Pa.   |
| Gilpin, Langdon & Co.,      | - | - | - | Baltimore, Md.   |
| Goodwin & Co., Geo. C.,     | - | - | - | Boston, Mass.    |
| Goold, J. E. & Co.,         | - | - | - | Portland, Me.    |
| Grasselli Chemical Co., The | - | - | - | Cleveland, O.    |
| Green, G. G.,               | - | - | - | Woodbury, N. J.  |

**H**

|                     |   |   |   |                   |
|---------------------|---|---|---|-------------------|
| Haas, Baruch & Co., | - | - | - | Los Angeles, Cal. |
| Hale, Justis & Co., | - | - | - | Cincinnati, O.    |
| Hall & Ruckle,      | - | - | - | New York City     |

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|                               |   |   |                         |
|-------------------------------|---|---|-------------------------|
| Hance Bros & White,           | - | - | Philadelphia, Pa.       |
| Harris & Co., J. N.,          | - | - | Cincinnati, O.          |
| Hartz & Bahnsen Co.,          | - | - | Rock Island, Ill.       |
| Hay & Son, H. H.,             | - | - | Portland, Me.           |
| Hazeltine & Perkins Drug Co., |   |   | Grand Rapids, Mich.     |
| Heath Drug Co.,               | - | - | Boston, Mass.           |
| Herf & Frerichs Chemical Co., | - |   | St. Louis, Mo.          |
| Hill's Sons & Co., Edward,    | - |   | New York City           |
| Himrod Mfg. Co.,              | - | - | New York City           |
| Hinchman & Sons, T. H.,       | - | - | Detroit, Mich.          |
| Hiscox & Co.,                 | - | - | Long Island City, N. Y. |
| Hornick, Hess & More,         | - | - | Sioux City, Ia.         |
| Hood & Co., C. I.,            | - | - | Lowell, Mass.           |
| Hopkins-Weller Drug Co.,      | - | - | St. Louis, Mo.          |
| Hostetter Co., The,           | - | - | Pittsburg, Pa.          |
| Hover & Co., W. A.,           | - | - | Denver, Col.            |
| Hoyt & Co., E. W.,            | - | - | Lowell, Mass.           |
| Hubbard, Son & Co., Chas.,    | - | - | Syracuse, N. Y.         |
| Humiston, Keeling & Co.,      | - | - | Chicago, Ill.           |
| Humphreys' Medicine Co.,      | - | - | New York City           |
| Hurlbut-Ward Drug Co.,        | - | - | Des Moines, Ia.         |
| Hunts Remedy Co.,             | - | - | Providence, R. I.       |

## I

|                        |   |   |                    |
|------------------------|---|---|--------------------|
| Indianapolis Drug Co., | - | - | Indianapolis, Ind. |
|------------------------|---|---|--------------------|

## J

|                                  |   |   |                   |
|----------------------------------|---|---|-------------------|
| Jayne & Son, D.,                 | - | - | Philadelphia, Pa. |
| Jerman, Pfluger & Kuehmsted Co., |   |   | Milwaukee, Wis.   |

## K

|                             |   |   |              |
|-----------------------------|---|---|--------------|
| Keasbey & Mattison Co.,     | - | - | Ambler, Pa.  |
| Kauffman-Lattimer Co., The, | - |   | Columbus, O. |

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Kelly Company, Geo. A., - - - Pittsburg, Pa.  
 Kiefer Drug Co., A., - - - Indianapolis, Ind.  
 Kirk, Geary & Co., - - - Sacramento, Cal.

## L

Lamar & Rankin Drug Co., - - - Atlanta, Ga.  
 Lamar & Sons, Henry J., - - - Macon, Ga.  
 Lambert Pharmacal Company, - - - St. Louis, Mo.  
 Langley & Michaels Co., - - - San Francisco, Cal.  
 Larkin & Scheffer, - - - - - St. Louis, Mo.  
 Lawrence-Williams Co., - - - - - Cleveland, O.  
 Lazelle, Dalley & Co., - - - - - New York City.  
 Leadbeater & Sons, E. S., - - - - - Alexandria, Va.  
 Lee & Osgood, - - - - - Norwich, Conn.  
 Leete & Co., Chas. S., - - - - - New Haven, Conn.  
 Lehn & Fink, - - - - - New York City.  
 Leich & Co., Chas., - - - - - Evansville, Ind.  
 Lilly, Eli & Co., - - - - - Indianapolis, Ind.  
 Lloyd Bros., - - - - - Cincinnati, O.  
 Lord, Owen & Co., - - - - - Chicago, Ill.  
 Lyman-Eliel Drug Co., - - - - - Minneapolis, Minn.  
 Lyons & Co., I. L., - - - - - New Orleans, La.

## M

Mack & Co., - - - - - San Francisco, Cal.  
 Mallinckrodt Chemical Co., - - - - - St. Louis, Mo.  
 Martin & Co., C. H., - - - - - Concord, N. H.  
 McCord, James, - - - - - La Crosse, Wis.  
 McKesson & Robbins, - - - - - New York City.  
 McPike & Fox, - - - - - Atchison, Kan.  
 Mellor & Rittenhouse Co., The, - - - - - Philadelphia, Pa.

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|                                  |   |   |   |   |                     |
|----------------------------------|---|---|---|---|---------------------|
| Merck & Co.,                     | - | - | - | - | New York City.      |
| Merrell Chemical Co., The W. S., | - | - | - | - | Cincinnati, O.      |
| Merrell Drug Co., J. S.,         | - | - | - | - | St. Louis, Mo.      |
| Merriam, A. B., Secretary,       | - | - | - | - | Minneapolis, Minn.  |
| Metcalf Co., Theodore,           | - | - | - | - | Boston, Mass.       |
| Meyer Bros. Drug Co.,            | - | - | - | - | St. Louis, Mo.      |
| Moffit-West Drug Co.,            | - | - | - | - | St. Louis, Mo.      |
| Murdoch, J. N.,                  | - | - | - | - | Parkersburg, W. Va. |
| Muth Bros. & Co.,                | - | - | - | - | Baltimore, Md.      |

## N

|                           |   |   |   |   |                 |
|---------------------------|---|---|---|---|-----------------|
| Neat-Richardson Drug Co., | - | - | - | - | Louisville, Ky. |
| Nelden-Judson Drug Co.,   | - | - | - | - | Salt Lake City  |
| Nelson, Baker & Co.,      | - | - | - | - | Detroit, Mich.  |
| Noyes Bros. & Cutler,     | - | - | - | - | St. Paul, Minn. |

## O

|                                  |   |   |   |   |                |
|----------------------------------|---|---|---|---|----------------|
| Olney & McDaid,                  | - | - | - | - | Clinton, Iowa  |
| Orr, Brown & Price,              | - | - | - | - | Columbus, O.   |
| Osgood & Co., Charles,           | - | - | - | - | Norwich, Conn. |
| Owens & Minor Drug Company, The, | - | - | - | - | Richmond, Va.  |

## P

|                                        |   |   |   |   |                  |
|----------------------------------------|---|---|---|---|------------------|
| Pabst Brew. Co., (Props. "Best" Tonic) | - | - | - | - | Milwaukee, Wis.  |
| Paine Drug Co., The,                   | - | - | - | - | Rochester, N. Y. |
| Parke Davis & Co.,                     | - | - | - | - | Detroit, Mich.   |
| Peacock Chemical Co.,                  | - | - | - | - | St. Louis, Mo.   |
| Perkins & Co., J. W.,                  | - | - | - | - | Portland, Me.    |
| Peter & Co., A.,                       | - | - | - | - | Louisville, Ky.  |
| Pfizer & Co., Charles,                 | - | - | - | - | New York City    |



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|                                 |         |                   |
|---------------------------------|---------|-------------------|
| Pinkham Medicine Co., Lydia E., | -       | Lynn, Mass.       |
| Piso Company, The,              | - - - - | Warren, Pa.       |
| Plimpton, Cowan & Co.,          | - -     | Buffalo, N. Y.    |
| Polk & Calder Co.,              | - - - - | Troy, N. Y.       |
| Ponds Extract Co.,              | - - - - | New York City     |
| Porous Plaster Co.,             | - - - - | New York City     |
| Potts Drug Co., C. E.,          | - - - - | Wichita, Kan.     |
| Powers-Taylor Drug Co.,         | - -     | Richmond, Va.     |
| Powers & Weightman,             | - -     | Philadelphia, Pa. |
| Purcell, Ladd & Co.,            | - - - - | Richmond, Va.     |

## R

|                                          |         |                     |
|------------------------------------------|---------|---------------------|
| Radway & Co.,                            | - - - - | New York City       |
| Redington & Co.,                         | - - - - | San Francisco, Cal. |
| Reithmann, J. J., & Co.,                 | - - - - | Denver, Col.        |
| Renz & Henry,                            | - - - - | Louisville, Ky.     |
| Richardson Drug Co.,                     | - - - - | Omaha, Neb.         |
| Rio Chemical Co.                         | - - - - | St. Louis, Mo.      |
| Robinson-Pettet Co.,                     | - - - - | Louisville, Ky.     |
| Robinson & Son, R. W.,                   | - -     | New York City       |
| Roessler & Hasslacher Chemical Co., The, |         | N. Y. City          |
| Rogers & Pyatt,                          | - - - - | New York City       |
| Rumford Chemical Works,                  | -       | Providence, R. I.   |
| Rust & Richardson Drug Co.,              | -       | Boston, Mass.       |
| Ryan Drug Co.,                           | - - - - | St. Paul, Minn.     |

## S

|                       |         |                   |
|-----------------------|---------|-------------------|
| Sagar Drug Co.,       | - - - - | Duluth, Minn.     |
| San Antonio Drug Co., | - -     | San Antonio, Tex. |
| Schenck & Son, J. H., | - -     | Philadelphia, Pa. |
| Schering & Glatz,     | - - - - | New York City     |

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|                                |   |   |   |   |                    |
|--------------------------------|---|---|---|---|--------------------|
| Schieffelin & Co.,             | - | - | - | - | New York City      |
| Schiffman, Dr. R.,             | - | - | - | - | St. Paul, Minn.    |
| Schuh Drug Co.,                | - | - | - | - | Cairo, Ill.        |
| Scott & Bowne,                 | - | - | - | - | New York City      |
| Searle & Hereth Co., The,      | - | - | - | - | Chicago, Ill.      |
| Sharp & Dohme,                 | - | - | - | - | Baltimore, Md.     |
| Sheehan & Co., J. H.,          | - | - | - | - | Utica, N. Y.       |
| Shoemaker & Busch,             | - | - | - | - | Philadelphia, Pa.  |
| Shoemaker & Co., Robert,       | - | - | - | - | Philadelphia, Pa.  |
| Schneider & Irving,            | - | - | - | - | Troy, N.Y.         |
| Simes & Son, W. F.,            | - | - | - | - | Philadelphia, Pa.  |
| Sisson & Co., T.,              | - | - | - | - | Hartford, Conn.    |
| Smith & Co., Valentine H.,     | - | - | - | - | Philadelphia, Pa.  |
| Smith Drug Co., C. D.,         | - | - | - | - | St. Joseph, Mo.    |
| Smith-Dugger Drug Co., The,    | - | - | - | - | Atlanta, Ga.       |
| Smith, Kline & French Co.,     | - | - | - | - | Philadelphia, Pa.  |
| Snell, Heitschu & Woodard Co., | - | - | - | - | Portland, Ore.     |
| Solomons & Co.,                | - | - | - | - | Savannah, Ga.      |
| Snow & Co., C. W.,             | - | - | - | - | Syracuse, N. Y.    |
| Sommer's-Aldo Drug Co.,        | - | - | - | - | Quincy, Ill.       |
| Spokane Drug Co.,              | - | - | - | - | Spokane, Wash.     |
| Spurlock, Neal & Co.,          | - | - | - | - | Nashville, Tenn.   |
| Stanwood & Co., E. L.,         | - | - | - | - | Portland, Me.      |
| Stein-Vogeler Drug Co.,        | - | - | - | - | Cincinnati, O.     |
| Stewart, Daniel, Co.,          | - | - | - | - | Indianapolis, Ind. |
| Strong, Cobb & Co.,            | - | - | - | - | Cleveland, O.      |
| Strother & Son, W. A.,         | - | - | - | - | Lynchburg, Va.     |
| Sultan Drug Co.,               | - | - | - | - | St. Louis, Mo.     |
| Sweet, Caldwell,               | - | - | - | - | Bangor, Me.        |

## T

|                         |   |   |   |   |                 |
|-------------------------|---|---|---|---|-----------------|
| Talcott, Frisbie & Co., | - | - | - | - | Hartford, Conn. |
| Tarrant & Co.,          | - | - | - | - | New York City   |

Taylor, Geo. E., - - - - - Leadville, Col.  
Thompson, Sons & Co., John L., - - - Troy, N. Y.  
Thomsen's Sons, John J., - - - Baltimore, Md.  
Torbert, W. H., - - - - - Dubuque, Ia.

## U

Upjohn Pill and Granule Co., The, Kalamazoo, Mich.

## V

Van Natta-Lynds Drug Co., - - - St. Joseph, Mo.  
Vogeler Co., The Chas. A., - - - Baltimore, Md.

## W

Walding, Kinnan & Marvin Co. - - - Toledo, O.  
Wakefield & Co., C., - - - - - Bloomington, Ill.  
Wampole & Co., Henry K., - - - Philadelphia, Pa.  
Walther-Robertson Drug Co., The, - - - Pittsburg, Pa.  
Ward Bros., - - - - - Indianapolis, Ind.  
Warner & Co., L. W., - - - - - New York City  
Walker & Gibson, - - - - - Albany, N. Y.  
Weeks & Potter Co., - - - - - Boston, Mass.  
Wells & Richardson Co., - - - Burlington, Vt.  
West & Jenney, - - - - - Boston, Mass.  
Whittlesey, Chas. W. & Co., - - - New Haven, Conn.  
Williams & Co., A. H., - - - - - Utica, N. Y.  
Williams, Davis, Brooks & Co., - - - Detroit, Mich.  
Wilkinson & Co., - - - - - Keokuk, Ia.  
Winkelmann & Brown Drug Co., - - - Baltimore, Md.

Woodward, Faxon & Co., - - - Kansas City, Mo.

World's Dispensary Medical Ass'n,

The, - - - - - Buffalo, N. Y.

Wright & Co., A. W., - - - Philadelphia, Pa.

Wyeth & Bro., John, - - - Philadelphia, Pa.

### Z

Zeilin & Co., J. H., - - - Philadelphia, Pa.

Zeller, Max, - - - - - New York City.

## ALPHABETICAL LIST OF ASSOCIATE MEMBERS.

185.

## A

|                               |   |   |   |   |                |
|-------------------------------|---|---|---|---|----------------|
| Acme White Lead & Color Co.,  | - | - | - | - | Detroit, Mich. |
| Ansbacher Co., A. B.,         | - | - | - | - | Chicago, Ill.  |
| Anheuser-Busch Brewing Assn., | - | - | - | - | St. Louis, Mo. |
| Armour & Co.,                 | - | - | - | - | Chicago, Ill.  |
| Armstrong Cork Co.,           | - | - | - | - | New York City  |
| Arnold & Co., F. R.,          | - | - | - | - | New York City  |

## B

|                              |   |   |   |   |                   |
|------------------------------|---|---|---|---|-------------------|
| Barrett Mfg. Co.,            | - | - | - | - | Philadelphia, Pa. |
| Bartlett, S. L.,             | - | - | - | - | Boston, Mass.     |
| Barker & Sons, T. B.,        | - | - | - | - | St. Johns, N. B.  |
| Baldwin & Co., B. D.,        | - | - | - | - | Chicago, Ill.     |
| Barrett, M. L., & Co.,       | - | - | - | - | Chicago, Ill.     |
| Barstow, Chas. W.,           | - | - | - | - | St. Louis, Mo.    |
| Beach & Claridge Co.,        | - | - | - | - | Boston, Mass.     |
| Becman Chemical Co.,         | - | - | - | - | Cleveland, O.     |
| Berry Bros.,                 | - | - | - | - | Detroit, Mich.    |
| Birney Catarrhal Powder Co., | - | - | - | - | Chicago, Ill.     |
| Bole, Wynne & Co.,           | - | - | - | - | Winnipeg, Man.    |
| Bovine Co., The              | - | - | - | - | New York City     |
| Bradfield Regulator Co.,     | - | - | - | - | Atlanta, Ga.      |

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|                           |   |   |                   |
|---------------------------|---|---|-------------------|
| Brown Oil Co., Robert B., | - | - | St. Louis, Mo.    |
| Buehler, Edward H.,       | - | - | Chicago, Ill.     |
| Burk & Co., William B.,   | - | - | Philadelphia, Pa. |
| Butler Hard Rubber Co.,   | - | - | New York City     |

## C

|                                   |   |   |                         |
|-----------------------------------|---|---|-------------------------|
| Calder, Albert L.,                | - | - | Providence R. I.        |
| Campion & Co., J. W.,             | - | - | Philadelphia, Pa.       |
| Carr-Lowry Glass Co.,             | - | - | Baltimore, Md.          |
| Champion Chemical Works,          | - | - | Chicago, Ill.           |
| Chesebrough Mfg. Co.,             | - | - | New York City           |
| Chiris, Antoine, (Grasse France), | - | - | New York City           |
| Cibils Co. of the U. S.,          | - | - | Boston, Mass.           |
| Cleveland Commercial Co., The,    | - | - | Cleveland, O.           |
| Colburn Co., The A.,              | - | - | Philadelphia, Pa.       |
| Cole & Co., J. W.,                | - | - | Black River Falls, Wis. |
| Colgate & Co.,                    | - | - | New York City           |
| Corneille & Co., David,           | - | - | London, Eng.            |
| Cushman, H. D.,                   | - | - | Three Rivers, Mich.     |
| Cumberland Glass Mfg. Co., The,   | - | - | Bridgeton, N. J.        |

## D

|                                    |   |   |                   |
|------------------------------------|---|---|-------------------|
| Davidson Rubber Co.,               | - | - | Boston, Mass.     |
| Davidson & Co., W.,                | - | - | Baltimore, Md.    |
| Davol Rubber Co.,                  | - | - | Providence, R. I. |
| Dent & Co., C. S.,                 | - | - | Detroit, Mich.    |
| Detroit White Lead Works,          | - | - | Detroit, Mich.    |
| Devoe & C. T. Reynolds Co., F. W., | - | - | New York City     |
| Dick, Dundas & Co.,                | - | - | New York City     |
| Dickinson, E. E.,                  | - | - | Essex, Conn.      |
| Dillenback & Almy,                 | - | - | Cobleskill, N. Y. |



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|                              |   |   |   |   |                 |
|------------------------------|---|---|---|---|-----------------|
| Drevet Mfg. Co.,             | - | - | - | - | New York City   |
| Dryden & Palmer,             | - | - | - | - | Brooklyn, N. Y. |
| Dutcher Drug Co., Frederick, | - | - | - | - | St. Albans, Vt. |

**E**

|                           |   |   |   |   |                    |
|---------------------------|---|---|---|---|--------------------|
| Eagle White Lead Co.,     | - | - | - | - | Cincinnati, O.     |
| Eastman & Bro. Co.,       | - | - | - | - | Philadelphia, Pa.  |
| Ellis & Golterman,        | - | - | - | - | New York City      |
| Ellwood-Lee Co., J.,      | - | - | - | - | Conshohocken, Pa.  |
| El Madilo Cigar Mfg. Co., | - | - | - | - | Jacksonville, Fla. |
| Estes & Sons, E. B.,      | - | - | - | - | New York City      |
| Evans & Sons (Limited),   | - | - | - | - | Montreal, Canada   |

**F**

|                    |   |   |   |   |                   |
|--------------------|---|---|---|---|-------------------|
| Fischer & Ewald,   | - | - | - | - | New York City     |
| Fisher, Arthur N., | - | - | - | - | Chicago, Ill.     |
| Florida Wine Co.,  | - | - | - | - | Norristown, Pa.   |
| Fougera & Co., E., | - | - | - | - | New York City     |
| Fox & Son, H. C.,  | - | - | - | - | Philadelphia, Pa. |
| Fox, Fultz & Co.,  | - | - | - | - | Boston, Mass.     |

**G**

|                                |   |   |   |   |                     |
|--------------------------------|---|---|---|---|---------------------|
| Gibson & Sons, Robert,         | - | - | - | - | Manchester, Eng.    |
| Gibbs, William E.,             | - | - | - | - | New York City       |
| Gill & Co., Wm. A.,            | - | - | - | - | Columbus, O.        |
| Gordon Chemical Co., W. J. M., | - | - | - | - | Cincinnati, O.      |
| Goodwin, Henry W.,             | - | - | - | - | Boston, Mass.       |
| Gould Commercial Co.,          | - | - | - | - | Boston, Mass.       |
| Grand Rapids Brush Co.,        | - | - | - | - | Grand Rapids, Mich. |
| Green & Co., David E.,         | - | - | - | - | New York City       |
| Green, F. E. & J. A.,          | - | - | - | - | Boston, Mass.       |

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Grosvenor & Richards Co., The, - Boston, Mass.  
 Grosvenor & Co., J. M., - - Boston, Mass.

## H

Hamlin Wizard Oil Co., - - - Chicago, Ill.  
 Hastings & Co., - - - Philadelphia, Pa.  
 Harter Medicine Co., The Dr., - - Dayton, O.  
 Henry Pharmacal Co., - - - Louisville, Ky.  
 Hillier's Son Co., R., - - - New York City  
 Hires Co., The Chas. E., - - Philadelphia, Pa.  
 Hopkins Co., J. L., - - - New York City  
 Horner, Jas. B., - - - New York City  
 Hubbard, Joseph, - - - Boston, Mass.

## I

Illinois Glass Co., - - - - Alton, Ill.  
 Isaacs & Co., A., - - - - New York City

## J

Johnson & Johnson, - - New Brunswick, N. J.  
 Johnson & Co., I. S., - - - Boston, Mass.  
 Jefferies Glassware Works, - Philadelphia, Pa.

## K

Kerry, Watson & Co., - - Montreal, Can.  
 Kilmer & Co., Dr., - - - Binghamton, N. Y.  
 Kirk & Co., Jas. S., - - - Chicago, Ill.  
 Knickerbocker Brace Co., - - - Easton, Pa.  
 Kohler Manufacturing Co., - Baltimore, Md.

## L

Ladd & Coffin, - - - - New York City  
 Lanman & Kemp, - - - - New York City

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|                         |   |   |   |                    |
|-------------------------|---|---|---|--------------------|
| Lasker & Bernstein,     | - | - | - | New York City.     |
| Lawrence & Co., W. W.,  | - | - | - | Pittsburg, Pa.     |
| Lebess Sponge Co.,      | - | - | - | New York City      |
| Leeming & Co., Thomas,  | - | - | - | New York City      |
| Lueders & Co., George,  | - | - | - | New York City      |
| Lucus & Co., John,      | - | - | - | Philadelphia, Pa.  |
| Lyman, Sons & Co.,      | - | - | - | Montreal, Can.     |
| Lyman, Knox & Co.,      | - | - | - | Montreal, Can.     |
| Lyons & Bro., Chas. B., | - | - | - | Minneapolis, Minn. |
| Lyons Mfg. Co.,         | - | - | - | Brooklyn, N. Y.    |

## M

|                                 |   |   |   |                   |
|---------------------------------|---|---|---|-------------------|
| Maltine Manufacturing Co., The, | - | - | - | New York City     |
| Mariani & Co.,                  | - | - | - | New York City     |
| Marion Flint Glass Co.,         | - | - | - | Marion, Ill.      |
| Marx & Rawolle,                 | - | - | - | New York City     |
| McCotter & Co., Samuel G.,      | - | - | - | New York City     |
| McIlvaine Bros.,                | - | - | - | Philadelphia, Pa. |
| McKinley, W. S.,                | - | - | - | Philadelphia, Pa. |
| Mellior Drug Co.,               | - | - | - | St. Louis, Mo.    |
| Mephram & Klein, Geo. S.,       | - | - | - | St. Louis, Mo.    |
| Merz Capsule Co., The,          | - | - | - | Detroit, Mich.    |
| Miles Medical Co., The Dr.,     | - | - | - | Elkhart, Ind.     |
| Mound City Paint and Color Co., | - | - | - | St. Louis, Mo.    |
| Mulford Co., H. K.,             | - | - | - | Philadelphia, Pa. |
| Mülhens & Kropff,               | - | - | - | New York City     |
| Murray & Nickell Mfg. Co., The, | - | - | - | Chicago, Ill.     |
| Munyon Homeopathic Remedy Co.,  | - | - | - | New York City     |

## N

|                                      |   |   |   |                  |
|--------------------------------------|---|---|---|------------------|
| National Eclectic Medical Institute, | - | - | - | Rochester, N. Y. |
| National Lead Co.,                   | - | - | - | New York City    |

National Lead and Oil Co. of Penn., Pittsburg, Pa.  
 New York Pharmacal Association, New York City  
 New York Pharmaceutical Co., Bedford Springs, Mass.  
 New York Quinine & Chemical Works, New York City  
 Norton Bros., - - - - - Chicago, Ill.  
 Norwich Pharmacal Co., - - - - - Norwich, N. Y.

## O

Oakland Chemical Co., - - - - - New York City

## P

Packard & Co., M. N., - - - - - New York City  
 Paris, Allen & Co., - - - - - New York City  
 Patch Co., The E. L., - - - - - Boston, Mass.  
 Pennsylvania Salt Mfg. Co., - - - - - Philadelphia, Pa.  
 Peck & Velsor, - - - - - New York City  
 Phillips Chemical Co., The Charles H., - - - - - N. Y. City  
 Planten & Son, H., - - - - - New York City  
 Plumly Co., G. W., - - - - - Philadelphia, Pa.  
 Pratt & Lambert (Inc.), - - - - - New York City  
 Phenyso-Caffein Co., - - - - - Worcester, Mass.  
 Pfeiffer & Lavenburg, - - - - - New York City

## R

Raser, John B., - - - - - Reading, Pa.  
 Raser, William H., - - - - - New York City  
 Recamier Mfg. Co., - - - - - New York City  
 Reed & Carnrick, - - - - - New York City  
 Rosengarten & Sons, - - - - - Philadelphia, Pa.

## S

Scofield, Shurmer & Teagle, - - - - - Cleveland, O.  
 Schoellkopf, Hartford & Macclagan, New York City

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|                                   |   |   |   |                |
|-----------------------------------|---|---|---|----------------|
| Scudder, S. V. & S. P.,           | - | - | - | New York City  |
| Shafer & Co., I. Calvin,          | - | - | - | New York City  |
| Sherwin-Williams Co., The,        | - | - | - | Cleveland, O.  |
| Simson Bros. & Co.,               | - | - | - | Halifax, N. S. |
| Stanford's Vina Vineyard, Agency, |   |   |   | Chicago, Ill.  |
| Stilwell, Arthur A.,              | - | - | - | New York City  |
| Stallman & Fulton,                | - | - | - | New York City  |

## T

|                        |   |   |   |                      |
|------------------------|---|---|---|----------------------|
| Taite's Sons, Joseph,  | - | - | - | Philadelphia, Pa.    |
| Tetlow, Henry,         | - | - | - | Philadelphia, Pa.    |
| Thayer & Co., Henry,   | - | - | - | Cambridgeport, Mass. |
| Thurston & Braidich,   | - | - | - | New York City        |
| Tiemann & Co., D. F.,  | - | - | - | New York City        |
| Tilden Co., The,       | - | - | - | New Lebanon, N. Y.   |
| Thum, O. & W.,         | - | - | - | Grand Rapids, Mich.  |
| Tuttle, Dr. S. A.,     | - | - | - | Boston, Mass.        |
| Todd, Albert M.,       | - | - | - | Kalamazoo, Mich.     |
| Troemer, Henry,        | - | - | - | Philadelphia, Pa.    |
| Trommer Ext. Malt Co., | - | - | - | Fremont, O.          |
| Truslow & Co.,         | - | - | - | New York City        |
| Tyler & Finch,         | - | - | - | New York City        |

## U

|                            |   |   |   |                |
|----------------------------|---|---|---|----------------|
| United States Capsule Co., | - | - | - | Detroit, Mich. |
| Ungerer, W. P.,            | - | - | - | New York City. |

## V

|                             |   |   |   |                |
|-----------------------------|---|---|---|----------------|
| Valentine Meat Juice Works, | - | - | - | Richmond, Va.  |
| Vogeler, Sons & Co.,        | - | - | - | Baltimore, Md. |

## W

|                                       |   |   |   |                    |
|---------------------------------------|---|---|---|--------------------|
| Ware, Walter F.,                      | - | - | - | Philadelphia, Pa.  |
| Warner & Co., William R.,             | - | - | - | Philadelphia, Pa.  |
| Wellcome, Henry S.,                   | - | - | - | London, Eng.       |
| Representing Burrough, Wellcome & Co. |   |   |   |                    |
| Wells Mfg. Co., A. J.,                | - | - | - | Syracuse, N. Y.    |
| Wetmore & Co., S. H.,                 | - | - | - | New York           |
| Whitall, Tatum & Co.,                 | - | - | - | Philadelphia, Pa.  |
| Whitelaw Bros.,                       | - | - | - | St. Louis, Mo.     |
| Whiting & Son, John L.,               | - | - | - | Boston, Mass.      |
| Whitney Glass Works Co., The,         | - | - | - | Philadelphia, Pa.  |
| Wirz, A. H.,                          | - | - | - | Philadelphia, Pa.  |
| Williams & Co., J. B.,                | - | - | - | Glastonbury, Conn. |
| Wilson, B. O. & G. C.                 | - | - | - | Boston, Mass.      |
| Will & Baumer Co., The,               | - | - | - | Syracuse, N. Y.    |

## Y

|                 |   |   |   |                 |
|-----------------|---|---|---|-----------------|
| Young & Smylie, | - | - | - | Brooklyn, N. Y. |
|-----------------|---|---|---|-----------------|



## EXCURSION TO ATLANTIC CITY.

On Friday the party boarded a special train composed of eight coaches at the Reading depot, leaving at 10 o'clock and arriving at Atlantic City at 11 o'clock, having made the run of sixty miles in exactly one hour. Omnibuses were waiting, and the visitors were taken to the Garden Hotel, where they registered and rested. They then went to the Iron Pier and witnessed the drawing in of the fish net, with a very good catch, but some of the members from the West were disappointed in not seeing a whale. From there a visit was made to the Japanese Tea Garden and Theater, after which the party returned to the Garden Hotel and partook of an elaborate lunch. Mr. Charles E. Hires, of Philadelphia, acted as chairman of the occasion. Mr. Franklin B. Stoy, Mayor of Atlantic City, welcomed the visitors. Remarks were made by Messrs. Purcell and Eliel. The weather was perfect, and the day was one of unbroken pleasure, the return to the Hotel Walton being made by 7 o'clock.

The Garden Hotel, of which Mr. Stuart Wyeth is owner, was new this season, and its superb appointments were placed at the service of the guests of the occasion, by whom they were both admired and enjoyed. The repast served, while modestly spoken of as a luncheon, was a veritable banquet, and the prodigal hospitality evidenced on this occasion, was not only a generous contribution on the part of Mr. Wyeth, but also a pleasing surprise to his associates on Committee of Entertainment. The menu card was as follows:

## THE GARDEN HOTEL,

ATLANTIC CITY, OCTOBER 9.

## LUNCHEON.

|                      |                          |
|----------------------|--------------------------|
| Oysters.             | Julep.                   |
| Clam Chowder.        |                          |
| Celeri.              | Amandes Salees.          |
|                      | Pate of Rock Fish.       |
|                      | Sauterne.                |
|                      | Chicken, Maryland Style. |
|                      | Sorbet, Siberian         |
|                      | Fillet de Bœuf, Voisin.  |
| Tomatoes, Farcies.   | Petits Pois.             |
| Mayonnaise d'Homard, | Lettuce and Tomatoes.    |
| Nesselrode Pudding,  | Gateaux.                 |
| Fromage.             | Cafe Noir.               |

Mr. Charles E. Hires of Philadelphia presided, and, upon the company assembling in the dining hall, said:

"Ladies and Gentlemen: Before partaking of the beautiful and bountiful repast which our genial host has supplied, I wish to introduce the mayor of this great and celebrated city by the sea, Mayor Franklin Stoy, of Atlantic City, who will welcome you to the hospitality of the city as well as old Neptune."

MR. STOY—Mr. Chairman, Ladies and Gentlemen: I appreciate highly the privilege of being with you on this occasion, and assisting in winding up, perhaps, part of the affairs of your convention. I observe that some kind gentleman has prepared a pamphlet for you, giving you a very comprehensive idea of Atlantic City. Therefore, it is unnecessary that I should enter into any remarks in reference to what you have already read. I regret that this body has visited our city just now, at a time when we cannot show you what we enjoy during the summer months. We cannot show you what the summer girls and the summer boys enjoy on the sand. We are, however, delighted to have you with us at this time, and we can show you to-day what used to be a small fishing village, and is now a city of homes built on the shore. I do not think it is necessary for me to go into any lengthy remarks. I understand that your programme is well filled with eloquent speakers, who are ready and willing to give you some speeches. I will only add that we extend to you to-day a welcome to our city. We extend to you, as all others, a hearty welcome, and also extend to you the freedom of the city, and it matters not in what direction you wish to go. You will find in Atlantic City, like an old homestead, welcome written upon the door mat, and the latch string hanging outside. Whenever it is your pleasure to again visit Atlantic City, we trust we shall be prepared to offer you the right hand of fellowship. I thank you. (Applause.)

CHAIRMAN HIRES—I will now call upon our newly elected president, Mr. Purcell, to respond, on the part of the National Wholesale Druggists' Association, to this address of welcome.

MR. PURCELL—Mr. Chairman, Your Honor, Ladies and Gentlemen: We accept, sir, the hospitality which you tender us in this beautiful city of Old Ocean, in the spirit in which you tender it. We have read from the pamphlet prepared of the wonderful

progress of this city by the sea. I find that you are distinguished above all other cities in this country from the fact that you have a board walk. We find that you have an aggregation of six hundred hotels, which positively staggers us. We find that you have a climate which is warmer in winter and colder in summer than any other place. We find that your population works in an inverse ratio, being larger in summer and smaller in winter. We find, above all things mentioned in that pamphlet—gratifying piece of intelligence—that you are ninety miles further away from New York than you are from Philadelphia. (Applause.) Sir, you find here represented in this Association gentlemen representing every portion of this common country of ours, from the great lakes of the north to the Rio Grande and Gulf of Mexico, and from the great Atlantic Ocean to the Golden Gate of California. Here in this body you find representatives of every State in the great galaxy of the Union; you find them here, not only to represent those States, but here to typify the Union of these States, as distinct as the billows, but one as the sea. (Applause.)

The service of the dinner took place at this point.

CHAIRMAN HIRES—Ladies and Gentlemen: We will now have a few words from ex-President Eliel of the Association.

MR. ELIEL—I do not know why I should be buried last night and resurrected this afternoon, for I promised you last night that I would sink into that oblivion which so well becomes a man when he knows what is expected of him. I do not know whether the gentlemen who call upon me think I am a Winchester repeater, when I am just simply a good, old-fashioned smooth-bore, and only brought one charge with me.

But, Mr. Chairman, it is always a pleasure to me to look forward to these annual assemblages; it is a much greater pleasure to me to greet you year after year and renew acquaintance with you, and it is a still greater pleasure to me to see year after year these perennial blossoms of beauty which you bring with you to these conventions. (Applause.) I want to tell you one thing which I have discovered, and which I thought I would like you to take home with you, and that is the difference between beauty and loveliness. Beauty, is but of the moment, evanescent and fading, while loveliness grows from year to year. (Applause.) I wonder if any of you here have not some time heard these words:

The rose in the garden slipped its bud,  
And she laughed in the pride of her youthful blood  
As she saw the gardener standing by.  
He is old, she said, he soon will die.  
The full rose waxed in the warm June air,  
And she spread and spread till her heart lay bare.  
And she laughed again as she heard his tread,  
He is older now, he will soon be dead.  
But the winds of morning blew and found  
The leaves of the blown rose strewed the ground.  
And he came at noon, that gardener old,  
And raked them gently under the mould.  
And I wove it into a little rhyme,  
For the rose was Beauty, the gardener, Time.

It is a great pleasure, as I said before, especially with us from the Wild and Woolly West, to come to you here in the old and finished East, and I am glad of this opportunity once for a moment to stand before you, for there may be those among you who have never seen an Indian. I come to you from those Western prairies, sun-kissed and wind-swept, where Ceres ever reigns. We come to you here in the East, and we are surprised at what we have seen. We have washed off our war-paint, have discarded our ornaments of fur and feather, and have come to you, the Wise Men of the East, for counsel, and that we may smoke with you the peace pipe. (Applause.) In our country we still deal in wampum; we have seen your tepees piled story upon story; we have seen your iron horse which snorts fire and outspeeds the wind, and when we go home we may tell our squaws of these wonders, and they will say: "You have lain in the sun and dreamed dreams; you have drunk of conversation water, for liars we have never had among us." (Applause.)

Mr. Toastmaster, ladies and gentlemen, I realize that you do not want to hear from me any further, but before taking my seat I would be recreant to my duty if I did not say a word to these gentlemen from this slow city of Philadelphia who have so elegantly and graciously entertained us upon this occasion; so modest, so retiring, are they in their disposition that they call this elegant fare a luncheon! What other place in the world where this would not be called a banquet? Surprise after surprise in such rapid succession has followed us that we are entirely unable to express our appreciation and our pleasure; but I am sure that you will join me when I call for three cheers for our Philadelphia friends. (The entire company joined in giving three rousing cheers.)

[NOTE—It is to be regretted that the report of this delightful trip and entertainment should not have appeared in its proper place in the published proceedings; but in extenuation of the omission, I respectfully refer you to "Explanation" on page 83½.—SECRETARY.]

